UN

UNITED
NATIONS

CRC

Convention on the Rights of the Child

Distr.
GENERAL

CRC/C/65/Add.3
11 February 1998

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Second periodic reports of States parties due in 1997

Addendum

SWEDEN

[25 September 1997]

UNITED
NATIONS

CRC

Convention on the Rights of the Child

Distr.
GENERAL

CRC/C/65/Add.3
11 February 1998

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Second periodic reports of States parties due in 1997

Addendum

SWEDEN

[25 September 1997]

GE.98-15281 (E)

CONTENTS

	Paragraphs	Page
Introduction	1 - 9	4
I. GENERAL INFORMATION	10 - 49	5
A. Developments 1992-1997	10 - 13	5
B. Children, the State and the municipalities	14 - 17	5
C. The Convention and the municipalities	18 - 30	6
D. Refugee children	31 - 32	8
E. Deprived children	33 - 36	8
F. Health problems	37	9
G. Children with functional impairment	38 - 39	9
H. Family policy and school	40 - 44	9
I. Children in the world	45 - 47	9
J. The Swedish core document	48 - 49	10
II. INFORMATION CONCERNING ARTICLES OF THE CONVENTION	50 - 793	10
A. General measures	50 - 176	10
1. Dissemination of the Convention	51 - 62	11
2. Measures taken to adapt national legislation and policy to the provisions of the Convention	63 - 85	13
3. Existing or planned mechanisms at national or local level for coordinating policy with regard to children and for supervising implementation of the Convention	86 - 107	16
4. International development cooperation	108 - 176	20
B. Definition of the child	177 - 213	32
C. General principles	214 - 258	37
1. Non-discrimination (art. 2)	214 - 224	37
2. The best interests of the child (art. 3)	225 - 234	39
3. The right to life, survival and development (art. 6)	235	41
4. Respect for the child's opinions (art. 12)	236 - 258	41
D. Civil rights and liberties	259 - 329	45
1. Name and nationality, etc. (art. 7)	259 - 269	45
2. Preservation of identity (art. 8)	270 - 273	47
3. Freedom of expression (art. 13)	274 - 278	47
4. Access to suitable information (art. 17)	279 - 304	49
5. Freedom of thought, conscience and religion (art. 14)	305 - 316	52
6. Freedom of association and freedom of peaceful assembly (art. 15)	317 - 323	54

CONTENTS (continued)

		Paragraphs	Page
	7. Protection of privacy and the family (art. 16)	324 - 328	55
	8. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37 (a))	329	56
E.	Family environment and alternative care	330 - 444	56
	1. Parental guidance (art. 5)	330 - 345	56
	2. Parental responsibilities (art. 18, paras. 1-2)	346 - 368	59
	3. Separation from parents (art. 9)	369 - 383	63
	4. Family reunification (art. 10)	384 - 391	66
	5. Recovery of maintenance for the child (art. 27, para. 4)	392 - 393	67
	6. Children deprived of a family environment (art. 20)	394 - 403	68
	7. Adoption (art. 21)	404 - 413	70
	8. Illicit transfer and non-return (art. 11)	414 - 417	72
	9. Violence and neglect (art. 19), including physical and mental rehabilitation and social reintegration (art. 39)	418 - 442	73
	10. Periodic review of treatment (art. 25)	443 - 444	78
F.	Basic health and welfare	445 - 534	78
	1. Survival and development (art. 6, para. 2)	445 - 461	78
	2. Children with functional impairment (art. 23)	462 - 482	81
	3. Health care and medical assistance (art. 24)	483 - 495	85
	4. Social security and child care (art. 26 and art. 18, para. 3)	496 - 523	88
	5. Standard of living (art. 27, paras. 1-3)	524 - 534	93
G.	Education, leisure and cultural activity	535 - 663	95
	1. Education, including general and vocational education (art. 28)	535 - 640	95
	2. Educational goals (art. 29)	641 - 643	111
	3. Leisure, recreation and cultural activity (art. 31)	644 - 663	111
H.	Special protective measures	664 - 793	114
	1. Children in distress	664 - 698	114
	2. Children in conflict with the law	699 - 740	121
	3. Children in situations of exploitation, including physical and mental rehabilitation and social reintegration (art. 39)	741 - 787	128
	4. Children belonging to a minority or an indigenous population (art. 30)	788 - 793	136

Introduction

1. Children are every society's prime asset. It is the quality of the formative conditions and of the care and upbringing we can offer our children which to a great extent decides the future development of our society.

2. Children aged up to 17 make up 22 per cent (1.9 million) of Sweden's population. Seventy-five per cent of children live together with both parents while 16 per cent live with a single parent. Seventy-two per cent of children aged between 1 and 6 take part in some form of pre-school activity, and 55 per cent of the younger schoolchildren (ages 7-9) take part in school child-care activities before and/or after school hours.

3. In Sweden as in other European countries, the situation of children has changed noticeably in the past 50 years. Public institutions like schools and child-care facilities have assumed progressively greater supportive significance for children and their families. Most Swedish parents of infant children nowadays are gainfully employed. Women have the same employment participation rate as men. Geographical distances between work and home have increased, and children are spending a large part of their day outside the family.

4. At the same time as children's growing up and social integration have become an increasingly complex and manifold process, awareness and understanding of children's needs and rights have increased. Children today are visible in a way which they were not previously. The advent of specialized professional categories working with children's education and upbringing has played a decisive role in this process.

5. Awareness of children's needs can be observed in practically all walks of society. As part of the task of giving effect to the Convention on the Rights of the Child, many Swedish municipalities have embarked on various forms of "child planning" in conjunction with their budgeting. These child plans show the provision made for children's needs in all branches of local government activity. There are also some instances of municipally owned companies being required to append separate child supplements to their budgets.

6. The work done during the past five years to make everyone working with or deciding questions affecting children familiar with the Convention has of course helped to put a completely new focus of attention on children's needs and interests.

7. Swedish welfare policy for children and young families is mainly of a general nature. Experience has shown inputs such as child allowances, parental insurance, child-health care, child care and schools of high quality to have a very important bearing on children's living conditions. These general inputs provide a universal measure of security and create opportunities for a good start in life.

8. The general inputs are supplemented by specialized inputs - both economic and of other kinds - for the protection of those whose need is greatest.

9. All these inputs in Sweden are of an internationally high standard. The majority of children and young persons grow up in good conditions. This, however, must not be allowed to obscure the fact that there are children in Sweden who fair badly. There are children in Sweden who get off to a poorer start in life than others. These are problems which the Government is anxious to overcome.

I. GENERAL INFORMATION

A. Developments 1992-1997

10. Developments during the past five years have been characterized by an austere financial policy, the main concern of which has been to restore balance in Sweden's economy. Virtually all sectors of Swedish society have been forced into reassessments, efficiency improvements and economization measures. Inevitably, this necessary reform of national government finance has also affected children and young persons. At the same time, the restoration of economic balance is essential in order for Sweden to remain capable of guaranteeing good conditions for children and young persons in which to grow up. A continuing heavy budgetary deficit would have augmented Sweden's national debt and been a mortgage on the future. This trend had to be reversed, not lease for the children's sake.

11. During the period under consideration, educational and child-care funding allocations have been reduced in most of Sweden's municipalities. Often, however, the spending cuts have been successfully offset by means of efficiency improvements and revised working methods. In certain cases the economization measures have resulted in bigger classes in schools and larger groups in child care. These public spending cuts were possible partly because Sweden was in a good starting position.

12. Despite the spending cuts. Sweden still devotes a large proportion of its public spending to supportive measures for children and young families. In a report presented in 1996, the Expert Group for Studies in the Public Economy (ESO) showed that Sweden, compared with seven other European countries, remains, in proportion to total national expenditure, one of the biggest spenders on supportive measures for children and young families.

13. Analyses by the national supervisory authorities of the quality of child care and schools have shown these activities to be of continuing good quality even after the economization measures. At the same time it is observed that further cutbacks in the general supportive systems might have adverse consequences, especially where the least privileged children are concerned.

B. Children, the State and the municipalities

14. Sweden practises local self-government, which among other things, means local political bodies independently deciding their own affairs. In most of the areas affecting children and young persons, the State indicates goals and directions through general legislation or national goal documents, while the

municipalities decide the concrete design of activities. The ultimate responsibility for the quality of activities rests with the municipalities. The State is responsible for national follow-up and evaluation of that quality.

15. Earmarked State grants for child care and schools have been abolished. Grants now form part of the general municipal grant paid by the State to local authorities. Otherwise, municipal activities are mainly financed out of taxation revenue.

16. It is a fundamental principle of Swedish society that decisions affecting children must be made by persons as near as possible to the child. This is why, subject to the national objectives, the planning of activities for children and young persons in Sweden is a municipal responsibility.

17. Local decision-making makes it possible to meet the stipulation of the Convention that the best interests of the child should be a primary consideration in all actions concerning children. Local decision-making also improves the prospects of enabling children and young persons to exert real influence on matters affecting their situation in life.

C. The Convention and the municipalities

18. Although the various articles of the Convention have been successively incorporated in Swedish law, a large proportion of the rights to which it gives expression affect matters at local government level. Decentralization measures in recent years, e.g. concerning schools and child care, have given the municipalities increased responsibility for the planning and implementation of child and youth policy. Implementation of the Convention at municipal level therefore has an important bearing on the translation of the various articles of the Convention into practice.

19. Municipal self-government means that most decisions affecting children and young persons are made "as near to the child as possible". This also means good prospects of achieving the intentions stated in article 12 of the Convention (children's right to influence) and is one of the prerequisites for compliance with article 3 (concerning the child's best interests).

20. Local decision-making makes it possible for children and young persons to be actively involved in the settling of questions which in various ways concern them. In the survey presented below, nearly half the municipalities replying state that children and young persons are given the opportunity of actively influencing municipal policy-making. Eighty-one municipalities have set up special youth councils and seven have youth parliaments.

21. Local self-government also means that much of the direct implementation of the Convention takes place at municipal level. This applies, for example, to decisions concerning the structuring of public services like schools and child care, the allocation of parts of the support provided for children and young families, medical care and social services.

22. For this reason, measures taken by Sweden to give effect to the Convention have to a great extent been concerned with getting through to

various municipal policy makers with information about the import of the Convention (see separate account in the section headed "Dissemination of the Convention").

23. In spite of the great efforts made between 1991 and 1997, one finds that much remains to be done before the Convention can be said to form a natural part of municipal planning work. At the same time, municipal activity with regard to the Convention appears to have gained speed between 1995 and 1997.

The 1995 and 1997 questionnaires

24. In order to find out whether the municipalities had decided to implement the Convention, the Children's Ombudsman carried out, in 1995, a survey of all municipalities, "In search of the Convention on the Rights of the Child", following this up in 1997, together with the Ministry of Health and Social Affairs, in the survey entitled "The search continues". The results presented are still preliminary and are based on a compilation of replies received from about half the municipalities. There are still various factors of uncertainty in the replies, a final summary and analysis of which will be presented later in the autumn of 1997.

25. The results show that measures by the municipalities to give effect to the Convention have increased in the past two years. In 1995 only 7 per cent (19) of the municipalities had discussed the Convention at municipal council level. The results of the 1997 survey suggest an increase of about 30 per cent in this respect.

26. As regards information about the Convention to politicians and officials, about 30 per cent of the municipalities had undertaken such measures in 1997, as against only 15 per cent in 1995.

27. Despite persistent financial difficulties, Sweden's municipalities are continuing to give budgeting priority to activities for children and young persons. In the 1995 questionnaire, 71 per cent of municipalities stated that these activities had priority. The same applies in 1997, with a slight increase: to 76 per cent.

28. Asked whether they have special methods for sustaining the quality of activities for children and young persons, 86 per cent of the municipalities replied in the affirmative for 1997. This is noticeably more than the 39 per cent recorded for 1995.

29. Opportunities of influence for children and young persons are another field in which a definite improvement can be seen. Decisions in favour of increasing children's and young person's participation had been made by 35 per cent of municipalities in 1995 and by no less than 55 per cent in 1997.

30. The Convention also appears, more and more, to be providing a starting point for municipal policy-making. More than one third of the municipalities in 1997 state that decisions are based on the Convention. Most of the municipalities state that their policy decisions are made in the spirit of the Convention.

D. Refugee children

31. Some of the world's most vulnerable children - refugee children - also come to Sweden. Nearly half the refugees arriving in this country are children and young persons under 18. They have been forced to flee from their home countries, leaving everything behind them. Many of these children have had traumatic experiences of violence and war.

32. The Government regards it as a matter of urgency to improve the reception of refugees and to make special allowance for the needs of the children. The Government has introduced a statutory amendment whereby children are not to be taken into custody in aliens cases except as a last resort, and even then for a limited period and only together with a custodian.

E. Deprived children

33. Most children in Sweden enjoy favourable living conditions, but many children and their families today are under stress on account of unemployment and financial difficulties. Things are especially difficult for children in families affected by substance abuse, mental illness or domestic violence, and also for many refugee children. Children subjected to sexual abuse are also particularly vulnerable. A very large number and variety of measures are needed to prevent children from suffering neglect. At the same time, much depends on those who, in various connections, come into contact with children and young persons, discovering these children and helping to ensure that they are given the help they need.

34. It is important to have a diverse range of supportive measures for children and young persons. The survey of children's conditions in Sweden undertaken by the Ministry of Health and Social Affairs in 1996 underscores the great value of effective general inputs such as child care, school and child-health care. Good-quality general inputs are perhaps the most important preventive measure that can be taken in order to avert problems of various kinds among children and young persons. Efficient activities in school and in child care are also essential in order for children in need of special support to be able to obtain it when taking part in the activities of ordinary classes or ordinary child-care groups.

35. In addition to general supportive inputs, of course, an effective array of specialized supportive inputs is also needed. Most of the specialized supportive inputs are provided by the municipalities and county councils. But the voluntary organizations working to strengthen the position of children also do invaluable work through their commitment and knowledge. This work includes both opinion formation and practical activities, e.g. in the form of phone-in services which children can use, without having to reveal their identity, when they are lonely and frightened. The non-governmental organizations and other voluntary bodies can also, acting together with or as a supplement to municipal social services, build up social network or supportive groups for children at risk.

36. Certain legislative amendments aimed at strengthening the position of children in social services come into force on 1 January 1998.

F. Health problems

37. The high quality of preventive child-health care is undoubtedly part of the reason why Swedish children, on the whole, enjoy good health. Certain children, however, present health problems which society must tackle more actively. Allergies or other forms of hypersensitivity have become increasingly common and now affect one child in three.

G. Children with functional impairment

38. Children with functional impairment are a particularly underprivileged group. Nearly all these children nowadays grow up at home. Their families need a great deal of support, both practical and psychological, in order to cope, especially where children with severe functional impairments are concerned. Some children with functional impairments are socially isolated and have no friends of their own age, especially in leisure hours.

39. As of 1 January 1994, the prospects of functionally impaired children achieving the greatest possible equality of living conditions have been expanded by special legislation on the rights of adults and children with functional impairments.

H. Family policy and school

40. The best interests of the child are an important point of departure for Swedish family policy. That policy must also be characterized by freedom of choice for young families and must promote the equality of women and men.

41. Swedish family policy is designed to give women and men the same opportunities of combining family life and economic activity. This goal is also very much concerned with the child's right to deep and continuous contact with both parents, i.e. also with its father. Even children whose parents separate must be entitled to good contact with both parents.

42. Children must be entitled to good child care. In order for both men and women to be able to take part in working life, there must be good and securely organized child care of high quality. The duty of municipalities to provide child-care places for all children requiring them as been defined by statutes since 1 January 1995.

43. Child care must be characterized by good quality, fair distribution and freedom of choice. Meeting the demand for child care is a municipal responsibility, and so the municipality must be able to plan child care - both municipal and private - within its own boundaries.

44. In the school sector, parents are able to choose between sending their children to public sector or independent schools.

I. Children in the world

45. As the same time as the Swedish Government evaluates the situation for children in Sweden, the Convention also implies responsibility for all the

world's children, the great majority of whom are living in circumstances greatly inferior to the level to which most Swedish children are accustomed.

46. As one of the largest single contributors to the United Nations Children's Fund, UNICEF, Sweden is actively involved in devising new ways to help children in distress and among other things is working to give children access to medical care, pure water and education.

47. More than 90 per cent of the world's population growth takes place in the developing countries. Many of the problems connected with poverty and affecting children's situation in the developing countries hinge on demographic development. Giving greater priority to family planning issues will, it is hoped, enable more parents to decide according to their social and economic circumstances how many children they wish to have. Sweden will be intensifying its efforts to this end.

J. The Swedish core document

48. As regards the general part of the report, containing information on country and population, general political structure and the general legal system of which the protection of rights forms part, and information and information distribution, reference is made to the Swedish core document (HRI/CORE/1/Add.4 of 1 June 1992).

49. The following table shows the population by age of children from 1989-1994:

	1989	1990	1991	1992	1993	1994
0-4 yrs	539 767	565 965	586 698	603 613	608 613	605 711
5-9 yrs	483 200	487 844	497 932	510 332	532 015	557 977
10-14 yrs	498 879	494 393	492 495	492 058	494 890	498 977
15-19 yrs	566 471	563 296	550 200	536 057	522 146	512 229
Total	8 527 036	8 590 630	8 644 119	8 692 013	8 745 109	8 816 381

II. INFORMATION CONCERNING ARTICLES OF THE CONVENTION

A. General measures

50. Sweden was one of the first countries to ratify the Convention on the Rights of the Child. This was on 29 June 1990. Sweden ratified the Convention without any reservations. In the Government Bill (Prop. 1989/90: 107) concerning approval of the Convention, its articles were related to conditions in Sweden. For Sweden's part, the Convention entered into force on 2 September 1990. Accession to the Convention did not occasion

any amendments to Swedish law, but certain deficiencies were observed in the practical implementation of laws and regulations. In Sweden's case it is above all implementation of the law relating to children and young persons which demands special attention.

1. Dissemination of the Convention

51. The Convention requires States parties to make its provisions and principles commonly known among both children and adults in the country concerned. The Office of the Children's Ombudsman (BO), a national authority, has been tasked by the Government with supplying information about the Convention as part of its activities.

52. Between 1990 and 1993 the Government allocated SKr 30 million (US$ 5.45 million) from the State Inheritance Fund to enable non-governmental organizations to disseminate knowledge of the provisions and principles of the Convention. The purpose of the State Inheritance Fund is to promote non-profit activities for the benefit of children and young persons and of persons with functional impairments. Thirty-four different organizations received grants from the State Inheritance Fund for projects relating to the Convention. During the period under consideration, these organizations have taken important steps to make the Convention known. Information has primarily been transmitted to their own organizations, to children and young persons (mainly through teachers) and to various groups of paediatric professionals, such as pre-school teachers, child and school health-care personnel and child psychologists.

53. In 1996 the Government decided on a further heavy commitment to information concerning the Convention. Over a two-year period, a total of SKr 20 million may be allocated to various NGOs for projects enhancing knowledge of the Convention among elected political representatives and employees of municipalities and county councils. The purpose of this government resolution is to make the Convention part and parcel of everyday work with children. The Government attaches vital importance to the municipalities making the best interests of the child their frame of reference, both in work directly with children and in their general planning of activities. In addition, the Government has formulated a goal to the effect that by the end of 1998 every municipality is to have moved one step further in the process of assimilating the Convention. The Government has appointed the Children's Ombudsman (BO) the convening member of the group of authorities and organizations charged with prosecuting this work.

54. BO, which has been commissioned by the Government to supply information about the Convention in the course of its activities, has attached great importance to making the Convention known to young people and has therefore approached educational publishers and educational authors to draw their attention to the necessity of information about the Convention regularly, including in school textbooks. A further central commitment to information about the Convention was made in 1994/95, with the arrangement of a schools competition targeting pupils at all levels of the school system. The aim was for the pupils to learn more about the Convention and their rights, and the competition was a joint undertaking by BO, the Swedish Save the Children Federation, the Ministry of Health and Social Affairs and the school magazine

Tidningen i Skolan. As a further channel of communication with children and young persons, BO has also placed a home page on the Internet. The intention is for young persons to find out more about their rights, the Convention and BO, and to develop a dialogue on various questions. The municipalities are another target group of BO's activity. BO has the task of encouraging the municipalities to use the Convention as a practical tool for both individual and general work relating to children. For the autumn of 1997, the Government has commissioned BO to produce an information booklet explaining how the municipalities can go about integrating the Convention with their activities.

55. The Convention has attracted attention in various educational contexts. In the spring of 1994 the Government issued new curricula for both the compulsory school system (LpO94) and non-compulsory schools (LpF94). These curricula contain binding regulations for school activities. They formulate the basic values and tasks of the school system, as well as indicating operational goals and guidelines. The curricula make clear, for example, that the head teacher has a special duty to ensure that school staff are apprised of the international agreements which Sweden has pledged itself to observe in education. These recommendations, declarations, and conventions are the Universal Declaration of Human Rights, the Convention on the Rights of the Child, the Recommendation on Education for International Understanding, and the Declaration and Recommendations on Education in Environmental Issues.

56. At the same time as the curricula were adopted, the Government instructed the National Agency for education to make the international treaties available and known to persons working in schools. In August 1994 the Agency gathered the four documents into a single publication, Överenskommet, which was distributed to all teachers and head teachers, for use as study material in the classroom.

57. Questions concerning children and young persons in court have been raised as a result of the Convention. The principles expressed in the Convention are regularly observed in the teaching given to judges. Prosecutors also receive a certain amount of instruction concerning the special questions arising when children are involved in crime, above all as the victims of sexual offences. It can be added in this connection that criminal proceedings against children and young persons are handled by special judges and prosecutors with particular aptitude and competence for such cases.

58. Basic police training includes a section on human rights. In this connection, attention also focuses on the Convention. The Convention is also included in certain subsequent training programmes for the police, such as the training of investigating officers dealing with cases of sexual assault on children. On the other hand the Convention is not included in the training of prison staff.

59. This report will be sent to all county councils and municipalities in Sweden and to the relevant national authorities. It will also be received by NGOs working with questions concerning children and young persons. It will be distributed to all public libraries in Sweden and will also be placed on the Internet.

60. In connection with the framing of the Convention within the United Nations, cooperation was established between the Government, the relevant national authorities and NGOs. That cooperation continues, e.g. as part of the follow-up of Sweden's compliance with the Convention.

61. Sweden participated in the framing of the European Convention on the Exercise of Children's Rights, dated 25 January 1996 and intended as an adjunct to the United Nations Convention. Sweden signed the Convention on 25 January 1996, and the question of ratification is being prepared within the Ministry of Justice.

62. Sweden also assisted in framing the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children, dated 19 October 1996.

2. Measures taken to adapt national legislation and policy to the provisions of the Convention

63. As mentioned earlier, Sweden ratified the Convention without reservations. Even so, it has been asked whether children's rights under the Convention are not being violated in certain areas of the law. Efforts to live up to the provisions and principles of the Convention, however, have special priority, and it is the aim of the Swedish Government to advance the position of children and young persons.

64. The Office of the Children's Ombudsman (BO) was set up in 1993 as part of the observance of the Convention. BO has the task of safeguarding the rights and interests of children and young persons. BO is required to devote special attention to the compatibility of laws and other statutory instruments and their implementation with Sweden's commitments under the Convention. BO works on a long-term, strategic basis to achieve closer harmony between the Convention and national law. This can, for example, involve ongoing contacts with a ministry prior to its framing the terms of reference for a government commission. It can also mean contacts with government commissions and committees, partly to supply them with information and expertise and also as a means of tendering viewpoints based on the Convention. Participation in the consultation process has an important bearing on this activity. BO reports to the Government annually concerning fields in which it finds that children's and young persons' rights are not being provided for or that Sweden is not complying with the Convention. This annual report also proposes statutory amendments and questions to be considered by the Government. Many of BO's proposals have in various ways been taken into account by the Government, e.g. in connection with amendments to the Social Services Act and the Aliens Act.

65. Measures taken to bring Swedish conditions more closely into line with the rules and principles of the Convention have, for example, included the following.

66. The Government has proposed in the Riksdag (parliament) that children should not be taken into custody in aliens' cases except as a last resort and then only for a limited time and together with a custodian.

67. Special training material for foster homes, group homes and other homes receiving refugee children is being produced for the purpose of developing the care given to refugee children and youngsters. The training material describes children's reactions to traumatic situations like living under the threat of war and being forced to leave their own country. Its purpose is to improve the ability of the receiving foster homes to understand the pattern of the child's reactions and to provide adequate help.

68. The State Youth Council was superseded on 1 July 1994 by a new authority, the National Board for Youth Affairs, which among other things is tasked with promoting good formative conditions for young persons.

69. All supervision of special youth homes has been vested in the State since 1 July 1993, when a new national authority was set up, namely the National Board of Institutional Care, which is responsible for the planning and management of these homes. All children and young persons in need of compulsory care are to have access to an institution of this kind and there is to be a widely differentiated array of caring amenities.

70. Two new laws came into force in the disability sector on 1 January 1994, namely the Functional Impairments (Support for Certain Categories) Act and the Assistance Grants (Disabled Persons) Act. These Acts confer certain rights, e.g. personal assistance and short stays away from home, on persons (children included) with severe functional impairments. At the same time, parents' allowance was made more widely available to parents of children with functional impairment.

71. Certain legislative amendments aimed at strengthening the position of children in the social services come into force on 1 January 1998.

72. A stricter duty to provide child care for children aged between 1 and 12 years was imposed on the municipalities with effect from 1 January 1995, through an amendment to the Social Services Act. It is now the duty of municipalities to provide pre-school activity and school child care to the extent necessitated by the parents' gainful employment and educational activity or the child's own needs. In addition, all children must be offered pre-school places beginning in the autumn term of the year when they are six years old. Pre-school must comprise at least 525 hours.

73. In 1991 the National Board of Health and Welfare was instructed by the Government to draw up an action programme for improving competence and developing a child perspective in work relating to children at risk (the Children in Focus project). This project included financial support for development work, conference activities, funding of post-secondary courses and surveys and inquiries. Activities under the project, which have been recorded in several different reports, were concluded in 1995.

74. In connection with Sweden's ratification of the ILO Minimum Age Convention (No. 138) in 1989, certain legislative amendments were made for the protection of minors at work. New regulations have been issued on the same subject.

75. Penal provisions aimed at protecting children from sexual abuse have been amended on several occasions for the purpose of strengthening safeguards in this respect. In cases of rape and sexual abuse, courts are required to consider in particular the age of the victim.

76. A general review of the provisions of the Penal Code concerning child pornography offences has been carried out within the Cabinet Office, for the purpose of creating better safeguards for children and young persons.

77. Alterations were made to certain aspects of the rules governing criminal proceedings against young offenders through legislation which entered into force on 1 March 1995. To bring the legislation concerning entitlement to public defending counsel more closely into line with the Convention, a rule was introduced whereby an accused under the age of 18 is entitled to public defending counsel except where this is manifestly unnecessary. Several other provisions were amended at the same time, partly in order to speed up the procedures of the police, prosecutors and courts.

78. The 1974 reform of Sweden's penal system has been evaluated by the Prisons Commission which, among other things, was instructed, in view of Sweden's commitments under the Convention, to consider the most appropriate way for the prison and probation system to take care of young persons who in spite of everything are sentenced to imprisonment. The Commission was also required to consider conditions for children - infants primarily - living in prison for a limited time after birth, together with an imprisoned mother.

79. In its main report, Serving of Prison Sentences (SOU 1993:76), the Commission stated among other things that the system which had been developed concerning children in prison appeared to be working acceptably, and that accordingly no legislative changes were considered necessary. The Commission felt that the age of one year could be deemed a suitable lower limit for children living in prison with a parent, on condition that good physical conditions existed for the reception of an infant in prison.

80. Commenting on the Commission's report, the Children's Ombudsman (BO) stated that the question concerning the extent to which very young children should be allowed to live with their parents in prison should be made the subject of closer investigation and that in cases of this kind it was difficult to judge what was compatible with the child's best interests.

81. The Government intends commissioning the National Prison and Probation Administration and the National Board of Health and Welfare to review the conditions for children whose parents are confined to remand centres or prisons.

82. In 1993 a government commission, the Juvenile Crime Committee, proposed changes in the rules applying to young offenders. Since the Committee presented its proposals, policy-making work has continued with regard to the system of penalties for young offenders. Proposals are now being drafted within the Ministry of Justice whereby, for example, young persons committing criminal offences before they are 18 can be referred to a special approved home for care. Another proposal involves tightening up the penalty of referral to care in the social services.

83. Express provisions have existed since 1 January 1996 concerning the right of children to a hearing in cases and matters of custody, access, adoption and names. In deciding what is in the child's best interests, the court must consider the child's wishes, having due regard to the child's age and maturity. In addition, the person investigating cases and matters of this kind must try to clarify the child's standpoint and declare it to the court, except where it is clearly unsuitable to do so. The purpose of these changes in the law is to create guarantees of children being allowed a hearing in court. In proceedings for the commitment of children to care under the Care of Young Persons (Special Measures) Act, children under 15, who are not competent to plead, have been given a special proxy to exercise their right to a hearing.

84. Attention has been made to focus on the situation of unaccompanied refugee children. The possibilities of appointing a guardian ad litem for non-Nordic children were expanded with effect from 1 July 1997 for the primary purpose of improving legal safeguards for these children, i.e. refugee children living in Sweden without their parents or other guardians. If a child's guardians cannot exercise guardianship, a guardian ad litem can be appointed on the same lines as for Swedish children.

85. In addition, the Government proposes, during the autumn of 1997, to introduce a bill based on proposals by a number of government commissions (the report of the Custodial Disputes Commission, entitled "Custody, Residence and Access"; the report of the 1993 Maintenance and Maintenance Advances Commission, entitled "Maintenance Allowances and Maintenance Advances"; and the final report of the Fathers Group). The proposals which are being made are aimed at emphasizing the importance of consensus arrangements and at maximizing the possibilities of parents reaching agreement on matters of custody, access etc. Other purposes of the proposals are to pave the way to increased practising of joint custody and to reduce economic impediments to contact between a child and a parent living elsewhere.

3. Existing or planned mechanisms at national or local level for coordinating poliicy with regard to children and for supervising implementation of the Convention

86. Ever since the Convention was ratified, discussions have been conducted concerning its assimilation by incorporation, i.e. by giving it the status of Swedish law. This question was raised by the Riksdag in the autumn of 1995. The proposal of incorporation was rejected, but the Standing Committee on Social Affairs referred to the necessity of an ongoing control and adjustment of Swedish law and practice. The Standing Committee emphasized that the provisions and intentions of the Convention at all levels in society must be taken into account when dealing with questions relating to children and the rights of the child, and it took the view that the Government should resolve on a wide-ranging review of the compatibility of Swedish law and practice with the provisions of the Convention.

87. Accordingly, on 1 February 1996, the Government appointed a parliamentary commission (the Children's Committee) to carry out a wide-ranging review of Swedish legislation and practice in relation to the provisions of the Convention. This Committee has the task of establishing

greater clarity and a wider consensus regarding the implications of "the best interests of the child" in the Convention and Swedish law and in particular of analysing conflicts of aims in this connection. The Committee has given priority to the question of children's standing in matters of refusal of entry or expulsion under the Aliens Act involving children. In an interim report presented in 1996, the Committee proposed amendments to the Aliens Act. Its proposals were taken into account in the work resulting in the amendments to the Aliens Act which came into force on 1 January 1997. The Committee will be presenting its final report in August 1997.

88. National child and youth policy is handled by various ministries and national authorities. Within the Cabinet Office, the Ministry of Health and Social Affairs is responsible for financial support to households with children, general questions affecting children, medical care, social services, questions of alcohol and drug abuse and care of persons with functional impairment, while the Ministry of the Interior has a coordinating role with regard to youth affairs. Within the Ministry of Health and Social Affairs, the Minister of Social Insurance is primarily responsible for questions relating to the Convention. The Ministry of Justice is responsible for legislative tasks not coming under any other ministry, the Ministry of Education is responsible for the education system (child care included), the Ministry of Culture is responsible for child and youth culture, and the Ministry for Foreign Affairs is responsible for immigrant and refugee questions. A matter coming within the domains of more than one ministry is handled within the ministry to which it mostly pertains. Drafting work then proceeds in consultation with the other cabinet ministers involved. The same applies to other cases involving more than one cabinet minister.

89. In recent years, measures relating to children and young persons have been coordinated at the local level in Sweden. Changes have been made, for example, in the structure of political committees. Many municipalities now have special child and youth committees which are responsible for both child care, schools and leisure. This amalgamation has been aimed at achieving better coordination of local measures for children and young persons.

90. The following are some of the national authorities which are concerned with child and youth affairs and whose day-to-day work has to be based partly on the rules and principles of the Convention.

91. The Children's Ombudsman (BO) has the task of supervising compliance with the Convention and works on a general plane with reference to the rights and needs of children and young persons. One of BO's most important tasks is that of representing children and young persons, so that they will attain a hearing and their opinions will be respected. The main emphasis of BO's work is action through opinion formation, i.e. participation in public debate, the creation of opinion on urgent questions and the conditioning of attitudes among politicians, decision-makers and the general public concerning child and youth affairs. Questions to which BO has devoted special attention recently have included, for example, bullying in schools and municipal activities with reference to the Convention.

92. The National Agency for Education is required to contribute towards educational development through follow-up, evaluation, special development

measures and supervision. One of the overriding goals of the public sector school system is a nationally equivalent education for children, young persons and adults. Responsibility for this devolves on the municipalities and other educational mandators. The National Agency for Education is responsible at the national level for monitoring achievement of this goal. Its tasks include collecting, collating and analysing information, as well as disseminating knowledge concerning the educational quality of Swedish schools, contributing towards national educational development, informing the Riksdag, Government and educational mandators of the situation in schools, and monitoring national equivalence in school and the rights of the individual pupil. Responsibility for child care services will shortly be transferred to the Agency from the National Board of Health and Welfare.

93. The National Institute for Questions Concerning the Disabled in Schools has the task of helping and supporting the municipalities in order to facilitate the schooling of pupils with functional impairment. The Institute is also tasked with developing, producing and distributing teaching materials for the visually impaired, physically disabled, hearing impaired/deaf and intellectually handicapped pupils.

94. The National Board of Health and Welfare is required, as the supervisory authority for social services, to supervise steps taken by the municipalities to ensure that children and young persons grow up in secure and orderly conditions. The Board is also required, among other things, to coordinate national policy measures in social services and medical care with reference to children and young persons. The Board's three main tasks in the field of social policy are to carry out qualified supervision, follow-up and evaluation in this field, to be a knowledge centre responsible for the collection and development of knowledge in partnership with municipalities and county councils, and to be the Government's expert body in this field, with a high level of preparedness for qualified investigative work on the Government's behalf.

95. The National Board for Youth Affairs has the task of promoting good formative conditions for young persons and the participation of young persons in social development. The Board works on an intersectorial basis and is in continuous touch with other national authorities, municipalities and associations with regard to the observation of social conditions for young persons. The Board also distributes State grants to national child and youth organizations and administers certain European youth exchange programmes. As mentioned earlier, the Board has taken over the duties of the State Youth Council, which has now been abolished.

96. The National Institute of Public Health is tasked with health promotion and disease prevention of an intersectorial nature at national level. Child and youth health is among its priority fields of activity.

97. The National Labour Market Board is responsible for measures to facilitate the establishment of young persons in the employment sector and to counteract unemployment, e.g. through competence development.

98. The National Council for Cultural Affairs is responsible at the national and international levels for observing and developing child and juvenile culture. Its operational goals give priority to activities focusing on children and young persons.

99. The Council on Fictionalized Violence has the task of coordinating measures by national authorities to combat harmful fictionalized violence. The Council also cooperates with various organizations and with the enterprise sector. It observes research in Sweden and other countries, as well as itself commissioning research. The Council encourages and supports associations and others concerning themselves with aspects of fictionalized violence. The Council also works for the improvement of media knowledge in schools. Its secretariat is open to questions and information requests from the general public.

100. The National Board for Intercountry Adoptions is responsible for information, supervision and inspection in matters relating to intercountry adoptions. It is also responsible for matters coming under the Foreign Adoption Orders Examination Ordinance and for matters concerning the authorization of organizations under the Intercountry Adoption Mediation Act. Following due application and special examination, the Board can grant authorization to non-profit organizations intending to work with questions of this kind.

101. The National Board of Institutional Care is responsible for the planning and management of special approved homes.

102. The Police take measures of various kinds for the prevention of juvenile crime.

103. The National Council for Crime Prevention has a special child and youth group for questions concerning crime prevention measures among children and young persons.

104. The National Board of Housing, Building and Planning, the National Board for Consumer Policies and the National Immigration Board also maintain special activities relating to children and young persons.

105. The Inheritance Fund Delegation is an authority within the Cabinet Office charged mainly with awarding financial support from the State Inheritance Fund towards creative non-profit activity for the benefit of children, young persons and persons with functional impairment.

106. The Child and Youth Advisory Committee is an advisory body within the Cabinet Office on child and youth affairs. It also has the task of forming opinion through seminars, debate publications etc.

107. Allmänna Barnhuset is a State foundation which deals with questions concerning children, mainly in the social sphere. Among other things, it supports socially oriented child and youth research and is able to distribute SKr 1.5 million (US$ 0.3 million) annually. Most of the projects to which grants are made concern children in exposed situations. Research concerning children in foster homes has traditionally been given priority.

4. International development cooperation

108. Children's rights and children's social and economic conditions, survival, security and development are questions concerning which, by tradition, Sweden has led the way internationally. Sweden was one of the first countries to ratify the Convention on the Rights of the Child, which was adopted in 1989 (and has since been ratified by 190 of the 193 countries in the world) and was one of the initiators of the 1990 World Summit for Children. Sweden was also the first country to propose the United Nations study concerning children in armed conflicts, it hosted the World Congress Against Commercial Sexual Exploitation of Children and has actively supported the proposal for, and given support to, the plan by the United Nations High Commissioner for Human Rights to improve working opportunities for the Committee on the Rights of the Child. Sweden has also played a leading part within UNICEF, among other things with a view to putting greater emphasis on the rights of the child.

109. Sweden has also been actively involved in international development cooperation in a number of fields, aimed at strengthening the position of children.

110. The basic premise is that the aims of Swedish development cooperation policy, e.g. those relating to democracy and human rights, the fight against poverty, sustainable development and equal opportunities, also apply automatically to children's conditions. The overriding development cooperation aim of raising the living standards of poor nations not least implies measures aimed against the foundations of all exploitation of children, e.g. through child labour, child prostitution and other forms of sexual exploitation.

111. Sweden's bilateral and multilateral development cooperation impinges to varying degrees - directly or indirectly - on children's conditions. Within the international community, the United Nations Children's Fund, UNICEF, to which Sweden is the second largest contributor, is responsible for the most directly targeted support. Programme activities and measures for the rights of the child are also conducted, with Swedish support, through international bodies such as WHO, UNESCO, UNDP, UNFPA, UNHCR, WFP and so on.

112. The Convention on the Rights of the Child is an increasingly important point of departure and a significant instrument of change for achieving concrete improvements for children and young persons in international development cooperation. A more concerted picture of the role of the child in global social development, based on in-depth analysis and knowledge of the true importance of development cooperation objectives for children and young persons, is, however, lacking at present, though work in this direction has begun.

113. A study concerning the economic role of children was initiated in 1996 by the Expert Group for Development Investigations (EGDI) at the Ministry for Foreign Affairs; this group is tasked with analysing priority issues of international development cooperation.

114. As regards follow-up to the United Nations conferences, it may be noted that all the major United Nations conferences during the 1990s have been devoted to the social sphere, with special emphasis on the individual, i.e. women, men and children. Many of these conferences have also observed the special needs of young persons, e.g. with regard to the right to privacy, respect for integrity, etc. and the right to instruction, e.g. concerning reproductive health. Children's interests were highlighted, for example, during the World Summit for Social Development in Copenhagen and at the Fourth World Conference on Women in Peking. At the latter conference, a special chapter of the final document was devoted to the conditions of girls, stating that girls and women are often systematically discriminated against for the whole of their lives. At the United Nations Conference on Human Settlements (Habitat II) in Istanbul, attention was drawn to the fact that a very large and rapidly growing proportion of all the world's children are living in cities. Where Sweden is concerned, the child perspective is important in the follow-up to the conferences, e.g. with regard to the right to education and freedom from violence in all its forms (domestic and sexual violence included).

115. As regards policy work, during 1997 the Government will be presenting its policy for combating poverty in Sweden's development cooperation and on support for peace, democracy and human rights. The child perspective will be observed in both these connections.

116. A child perspective is essential not least in view of the fact that nearly half the people in the world today are children and young persons under 18. In the poor countries the percentage is greater still.

117. The Government's country strategies are among the most important of all steering instruments for Swedish development assistance. One interesting example of the more consistent application of a child perspective is to be found in the regional strategy for Central America, work on which formed part of the Swedish International Development Authority (SIDA) project which has already been mentioned.

118. As regards follow-up to the August 1996 World Congress against Commercial Sexual Exploitation of Children and its relation to development cooperation, Sweden is still actively participating in international cooperation within the United Nations and EU, for example, with regard to both normative and operational measures.

119. During the autumn session of the General Assembly in 1996, Sweden played an active part in the work of the Third Committee on formulating the omnibus resolution on the rights of the child, partly in order to draw attention to the different conditions applying to girls and boys. The Swedish Government has further supported the work done, partly with regard to this question, by the Office of the United Nations High Commissioner for Human Rights and the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography. Work on a draft optional protocol to the Convention on the Rights of the Child in this regard is continuing. Sweden is working for the results of the World Congress to be implemented in the relevant country programmes, partly through the activities of UNICEF.

120. On 20 March 1997 the Government resolved to commission the Chairman of the Swedish UNICEF Committee, Lisbeth Palme, to take part in the work of international follow-up after the World Congress. This work will be primarily concerned with instilling awareness in Governments, organizations and other agencies. As part of this work, the Permanent Mission of Sweden to the United Nations Office at Geneva invited representatives of various United Nations agencies and other international bodies to take part in discussions of the follow-up work at the beginning of April 1997.

121. Resolutions and a succession of initiatives manifesting the importance of this question have been taken within the EU.

122. On 30 April 1997 the interdepartmental working group appointed by the Government presented a national play for measures to combat the commercial sexual exploitation of children. During 1997, as part of the follow-up, SIDA is conducting a study of the health of sexually exploited children. SIDA is also planning to include the question of sexual exploitation of children in the training of overseas development cooperation personnel.

123. As mentioned earlier, Sweden was a prime mover in bringing about the United Nations Study on Children in Armed Conflicts which was directed by Graça Machel. Sweden endorses the recommendations in which the study resulted. These refer in various ways to humanitarian assistance, and Sweden is actively working for a coordinated humanitarian strategy within the international community. The United Nations Secretary-General is expected shortly to appoint a special representative to observe these questions. A proposal exists for a conference in the year 2000 to provide new impetus to the protection of children during war. Through its Permanent Mission in Geneva, Sweden invited the United Nations humanitarian agencies to a meeting in March 1997, in order to begin a discussion of ways in which the proposals in the study can be integrated into the relevant United Nations programmes.

124. Intensive work, under Swedish chairmanship, has been in progress in the working group reporting to the Commission on Human Rights with a view to adding to the Convention on the Rights of the Child an optional protocol in child soldiers. Agreement on a final draft version could not be achieved, however, in January 1997. Work is expected to continue with a view to a new attempt in 1998.

125. Questions relating to children, as has already been made clar, have attracted gradually increasing attention in the context of international development cooperation. This is also manifested, of course, through international conferences.

126. In addition to the question of the sexual exploitation of children, child labour can be mentioned as a question which is expected to receive a great deal of attention during 1997/98. Sweden will be taking part in an international conference on child labour in Oslo in October 1997. The 1998 or 1999 International Labour Conference will also be considering proposals for a new, comprehensive convention on child labour.

127. The Universal Declaration of Human Rights celebrates its silver jubilee in 1998, and the 1993 World Conference on Human Rights in Vienna resolved to

convene a meeting in 1998 to report on follow-up to the Vienna Declaration and Programme of Action. It is to be expected that children's rights will come in for a great deal of attention.

128. In 2000 it will be 10 years since the World Summit for Children took place, and activities are therefore to be expected.

129. Sweden is actively participating in the ongoing treatment of child questions in the context of international development cooperation. All in all, this work - and, not least, the national review and analysis of these questions undertaken in preparing the present report - will provide supporting documentation for deliberations concerning the initiatives and priorities best calculated to move the question forward.

(a) Strategies

130. SIDA in recent years has drawn up action programmes for the field of measures to combat poverty, equal opportunities, sustainable development and peace, democracy and human rights. The action plan for measures to combat poverty refers to mothers and children as a priority group. The plan for equal opportunities lays down that the focus on girls in the education sector should continue and that rights are to be promoted in the field of sexual and reproductive rights and health. Negative attitudes and customs leading to violence to girls will receive attention in the policy dialogue. In the action plan for peace, democracy and human rights it is stated that Sweden is to support measures to ensure that the rights of the child are respected and defended in keeping with the Convention. In the plan for sustainable development, priority is among other things given to water resources and questions concerning the urban environments. Although the child perspective is not specifically mentioned, it is to be expected that children will be reached by measures in these areas.

131. In order to give development cooperation a clearer child perspective, SIDA inaugurated a project entitled "Children in Swedish Development Cooperation", the aim of which is eventually to augment awareness and competence within SIDA concerning the role and rights of children in development cooperation. SIDA has resolved that the child perspective should be made an important ingredient of planning for the next few years. The project includes a survey of "the child perspective in Swedish development cooperation" (based on data for 1994/95).

(b) The extent of child assistance

132. One problem raised by the report on the survey is that assistance to children is not separately reported and that the term "child assistance" is not clearly defined. The survey, however, led to the following rough estimate of the extent of SIDA's assistance to children:

(a) Health assistance. Direct assistance to children comprises about 30 per cent of health assistance, while assistance reaching children can amount to 50-65 per cent of all health assistance;

(b) Education. Direct assistance to children can be estimated at about 30 per cent, but here again, it is estimated that children are reached by more than 50 per cent of resources;

(c) A very rough estimate indicates that about 10-12 per cent of cultural assistance is directly addressed to children;

(d) For democracy and human rights, about 5 per cent is recorded as child assistance. There is much to suggest that this is an underestimate;

(e) Water programmes. SIDA estimates that about one third of bilateral assistance and roughly half of all multilateral assistance affect children;

(f) Between 35 and 40 per cent of disaster assistance is estimated to go to children;

(g) Percentage of the entire country frame assistance. An estimated 25 per cent of the entire country frame assistance has a child perspective.

(c) Development assistance in the fields of health, education and water

133. The social sector has always made up a large component, some 20 per cent, of Sweden's international development spending. Children and young persons constitute more than half the population of SIDA's cooperation countries and are a priority target group for development assistance in health care and education. This profile has remained more or less unaltered ever since Sweden ratified the Convention on the Rights of the Child. An estimated 50 per cent of country-destined health and education assistance goes to children and young persons.

134. In health assistance, priority has above all been given to programmes for very young children: vaccinations, mother and child health care, paediatric medicine, nutrition and breastfeeding. Many inputs in the thematic field of sexual and reproductive health are directed at teenagers.

135. In educational assistance, priority is given to the aim of reaching underprivileged groups and regions, putting women, girls and children with special needs in the foreground and devoting special efforts to improving the quality of teaching.

136. Cooperation in the water sector is aimed at water supply improvement which, among other things, leads to improvements in child health. Women and children are a special target group in SIDA's water strategy. The health aspect is emphasized, as well as educational measures.

137. Third world research cooperation in the health sector has above all been made to focus on the main causes of high infant mortality, such as diarrhoeal diseases and acute bronchial infections. In research cooperation with Pakistan, great scope has been given to questions concerning breastfeeding.

138. A new third world research field concerns children's rights and health, with special emphasis on the right of underprivileged children to medical care; legal aspects of children's right to medical care; behavioural research concerning the child as an agent of social development; young persons' sexual and reproductive rights; commercial sexual exploitation of children and abuse within the family.

Expenditure in the health, education and water sectors
(millions of Kroner)

	1992	1993	1994	1995	1996
Health	722.0	765.5	781.1	802.1	795.8
Education	426.3	706.7	681.7	686.1	599.0
Water	222.2	245.0	270.0	194.2	325.1

Source: SIDA statistics to the Development Assistance Committee 1992-1995 and SIDA 1996.

139. The greater part of development assistance is still devoted to measures in these fields. During 1996 a total of SKr 1,720 million out of SIDA's total expenditure of SKr 8,153 million went to the health, education and water sectors. For many years now, Sweden has been channelling a certain proportion of its bilateral assistance through UNICEF. Approximately SKr 315 million were transferred to the UNICEF supplementary budget in 1996. Of this about 35 per cent went on health measures, about 15 per cent on education, about 20 per cent on water and sanitation and about 30 per cent on disaster relief. SIDA at present is the largest contributor to UNICEF's supplementary budget for health measures. Over the years, Sweden has been actively involved in the work of UNICEF's Executive Board and in a policy dialogue to influence UNICEF's work in line with Swedish development cooperation objectives for the health and other sectors.

140. UNICEF inputs with Swedish funding support have mainly focused on the health, education and rights of children, young persons and women, with a view to achieving the objectives of the Convention on the Rights of the Child.

141. During the past five-year period, assistance to children has developed in several other fields, often with the focus of attention on particular groups of children.

(d) Direct assistance to children

142. Young people's health. Sexual and reproductive health (SRH) is one of the main areas of health cooperation. Together with maternity care, fertility regulation, perinatal care/breastfeeding, measures to combat sexual exploitation of and violence to women and girls, etc., juvenile health is a central field of cooperation. Within the health sector, SRH is an important component in practically all cooperation countries and the question of young persons' sexual and reproductive health and rights is always part of the

dialogue. Teenage pregnancies and abortions are a major factor in ill-health among girls, often associated with abuse or prostitution. Some programmes include juvenile health as separate inputs. Cooperation takes place concerning programmes/projects for pregnant teenage girls (care, accommodation, education), instruction concerning sexual and interpersonal relations (within the AIDS programme, in schools, through pals programmes and youth clubs) and the build-up of youth reception centres etc. in Ethiopia, Zambia and Angola. In the United Republic of Tanzania, SIDA supports the Tanzanian organization UMATI, which helps pregnant teenage girls to find housing, education and a livelihood. This project also includes health information/education for young persons in the field of sexual and reproductive health. The programme is operated by the National Association for Sex Education (RFSU).

143. Child workers. Child labour in the world as a whole is on the increase. SIDA is working to improve children's working conditions and to prevent the employment of children on harmful work. This is being done mainly through international organizations, such as the International Working Group on Child Labour, which is working to transform the working conditions of children and to abolish harmful child labour and the exploitation of child workers. Support is also given to the Association for Fair Trade Labelling, for its work in connection with the labelling of products manufactured and imported in compliance with "Fair Trade" ethical criteria. The products must, for example, be manufactured without harmful employment of children. Child labour is often widespread in the informal sector, e.g. in agriculture and domestic work.

144. Sexually exploited children. One of the principal aims of Swedish development assistance is to combat poverty. This overriding objective corresponds to one of the main causes of the exploitation of children.

145. The World Congress against Commercial Sexual Exploitation of Children, pointed to many big problems related to commercial sexual exploitation of children (e.g. legislative questions, legal safeguards, economic crime, children's right to education and health care). The health risks to sexually exploited children are great but, so far, have been poorly documented. Children and their health problems are absent from the statistics and probably it is only a small proportion of children who receive the medical care they need and to which they are entitled under the Convention. The right of these children to medical care demands attention. A conspectus of the situation in SIDA's cooperation countries will be compiled, with a view to improving our knowledge of children's needs and facilitating the planning of development cooperation measures.

146. Most inputs in this field have been channelled through Swedish and international organizations. Support has been given to the organization End Child Prostitution in Asian Tourism (ECPAT) for regional activity and also for its work in connection with the World Congress. The regional activity has included lobbying aimed at securing stricter legislation, measures to improve cooperation between national police forces, information activities and the promotion of cooperation between international organizations. The International Catholic Child Bureau receives support, among other things for

its work to improve the local and national planning of preventive activity and the psycho-social adjustment of children subjected to sexual exploitation, in keeping with the declaration made by the World Congress.

147. The Swedish Save the Children Federation is engaged by SIDA in a training programme for social workers who are to help child prostitutes in the Philippines. In addition to supplying knowledge to the social welfare authorities of the Philippines, this project also gives other countries in the region the opportunity of studying Philippine experiences.

148. In India, a study is being made of the health care needs of the children of Bombay prostitutes. A private organization in Sri Lanka is working to abolish the sexual exploitation of children and also with legal aid for children's protection.

149. Child culture. Much of SIDA's cultural assistance is concerned with measures for and with children, the aim being to augment literacy, strengthen children's self-confidence and identity, and help them to process difficult experiences and develop into secure individuals with a capacity for conflict resolution and tolerance. Assistance is divided between support for children's literature and children's libraries, children's and juvenile theatre (drama, dance, music and circus), and pictorial representation. South Africa and Gaza/the West Bank have the biggest cultural cooperation programmes for children. This includes the development of schools of music (South Africa) and youth centres (Gaza/West Bank), distribution of children's literature and encouragement of reading, and drama and image training for children and young persons. The Gaza/West Bank project also includes a programme for the integration of children with disabilities. Support for stage training of children and young persons exists in many cooperation countries. A children's circus, for example, is being supported in Ethiopia, a pop music workshop and the teaching of traditional music in Zimbabwe and a cultural centre for children and young persons in Mozambique. Many cooperation countries have a SIDA-financed cultural fund for the support of various small-scale cultural projects in which children are often involved as actors and/or audiences.

150. Equal opportunities. The main strategy in SIDA's plan for equal opportunities is for this perspective to permeate development cooperation in all fields. The action plan lays down that the emphasis on girls, where educational support is concerned, should continue and that girls' rights are to be promoted in the field of sexual and reproductive rights and health. Negative attitudes and customs leading to violence against girls are being highlighted in the policy dialogue. Fibulation (mutilation of the female genitals) is an extreme form of abuse of girls and has severe, long-lasting consequences. Sweden is cooperating with various NGOs and WHO to put an end to this tradition.

151. The equal opportunities question is being given high priority in education assistance, e.g. in Sri Lanka, Bangladesh and India, where poor girls in the countryside are a priority target group. Within vocational training programmes as well, SIDA has taken special steps to increase girls'

participation in vocational training, e.g. in Tanzania and Botswana. SIDA had contributed to the compilation of gender-specific educational statistics in most of its cooperation countries.

152. The situation of girls in war and conflicts and their special vulnerability will also be receiving attention within the framework of humanitarian assistance.

153. Marginalized groups of children. Educational support to certain countries focuses partly on particularly disadvantaged groups, such as plantation schoolchildren in Sri Lanka, children belonging to low-caste and socially deprived groups in Rajasthan, India, and to schools in commercial farming areas of Zimbabwe. In Bolivia, SIDA is supporting an educational reform programme in association with the World Bank. The reform gives priority to primary schools and is designed to promote democracy, equality, equal opportunities and respect for the rights of the original population. In Viet Nam, the primary health care programme for tribal peoples is receiving Swedish support; children and young persons constitute an important target group.

154. Children with functional impairment. Observing and making visible children with functional impairment, supporting their parents and giving the children themselves opportunities of schooling and rehabilitation are an important part of work relating to children's rights. The rehabilitation programme conducted by Diakonia is an important component of assistance to Gaza and the West Bank. This is a community-based rehabilitation programme addressed mainly to children. It includes support for personnel training, integration of disabled children in ordinary school, support to parents, care and rehabilitation, and measures to change attitudes and values concerning disability. Health assistance to India includes a project for developing pre-school activity, e.g. through personnel training. The integration of disabled children in pre-school activity is an important objective. In Lithuania and the Russian Federation, measures are being taken to develop alternatives to institutional care for children with disabilities. SIDA's educational assistance includes special measures for children with functional impairment in Botswana, where a resource centre has been created for children with special needs. In Sri Lanka and Zimbabwe, support is being given to teacher training in remedial methods.

155. Children, war and displacement. In war and conflicts, children generally are a vulnerable group. Many are made fugitives, together with their families or on their own, thereby losing their security and their social structure. The consequences to children in a disaster situation are very great and serious, both physically and mentally.

156. In the former Yugoslavia, children together with their mothers are important target groups for the programmes which SIDA is supporting in Bosnia and Herzegovina. Those programmes are concerned with psycho-social rehabilitation and trauma treatment (partly through WHO and Norsk Folkehjålp) and also an integrated area programme intended as a basic prerequisite for the voluntary return of refugees and displaced persons and including support for schools and health centres. In addition, SIDA has given support to local

organizations in the Federal Republic of Yugoslavia which are working to heighten awareness of children's rights among national authorities and in the community at large.

157. In recent years, SIDA's attention has focused on children in disaster situations in a variety of ways, e.g. through extensive support to UNICEF and UNHCR. The priority fields are: rehabilitation of child soldiers, and especially education measures; psycho-social rehabilitation/support for children with war traumas; crash education measures, even in acute disaster situations; and reunification measures.

158. Through the Swedish Save the Children Federation, SIDA is contributing to a special stand-by force of child-oriented social workers which, together with UNHCR, plans measures for children in acute disaster situations.

159. The Convention on the Rights of the Child - general. All of SIDA'S cooperation countries have ratified the Convention and reported for the first time to the Committee on the Rights of the Child, or are preparing their reports. National work prior to reporting is an important part of the process of making children, their needs and rights visible and placing these matters on the political agenda. Through the medium of NGOs, SIDA supports reporting work at the national level in many countries. SIDA also gives support to the secretariat of the Committee and to the NGO group on the Convention which has been formed by NGOs in Geneva. Child-Watch International receives support from SIDA and other sources for devising indicators of compliance with the Convention.

160. A large part of SIDA's contributions to Swedish NGOs are concerned with projects for safeguarding the rights of the child in keeping with the Convention. Funding has been reserved over a three-year period for research in the field of "health and rights of children and young persons", the purpose being to engage Swedish researchers and institutions in the development of knowledge and capacity within problem fields of special relevance to development cooperation. Important subject fields for this research include, for example:

(a) The entitlement of specifically deprived children to medical care: disease panorama, care requirements and health services;

(b) The view taken of children in different cultures, children as agents of social development towards democracy, the child as a carrier of values and visions;

(c) Young persons' sexual and reproductive health and rights, together with possible interventions;

(d) Commercial sexual exploitation of children and abuse within the family.

161. SIDA intends to finance a UNICEF-affiliated post in South Africa for working with the rights of the child and gathering information on children's situation, and contributing towards the framing of strategies, methods, capacity-building etc. with a view to implementing the Convention.

162. SIDA will be supporting a four-year pilot programme in Bangladesh focusing on the long-neglected group of children aged between 8 and 14 in the slums of the six largest cities. The programme represents the first concerted bid to reach this group - to motivate them to attend school, to keep them in school and to encourage them to continue their education. Not only are these children living under very severe conditions, frequently they are also exploited through various kinds of child employment. The programme will help in the long term to improve these children's living conditions and to reduce the volume of child labour. The programme is being conducted by the Government of Bangladesh in association with UNICEF and local organizations.

163. Children's rights are a priority field of support for human rights/democracy promotion measures in Sri Lanka. Among other things, support has been given to the Open University for the organization of a university course on the rights of the child. Support has also been given to an NGO, the Sarvodayas Legal Aid Department. The work thus supported is concerned with making pre-school teachers aware of children's situations and rights. In addition, a report entitled "An Investigation into Children's Rights in Sri Lanka" has been compiled and distributed, to disseminate knowledge concerning the situation of children in Sri Lanka.

164. In India a national coalition of children's organizations has received support for the printing of the alternative report which was compiled parallel to the official Indian report.

165. As part of a legal input in the Lao People's Democratic Republic, support is being discussed for implementation of the Convention and reporting to the Committee.

166. Support is being given towards the establishment of a National Council for Children in Cambodia. The purpose of the support is to strengthen the organization, which has the role of promoting children's rights in Cambodian society, and to coordinate measures in this field.

167. In its capacity as "Shepherd for the Palestinian Children" Sweden has taken part in work on behalf of Palestinian refugee children. "An Agenda for Social Renewal", i.e., a Palestinian action programme for children, has been drawn up, using the Convention and the World Declaration on the Survival, Protection and Development of Children adopted by the World Summit for Children as guidelines. Sweden is contributing extensively towards the implementation of the plan.

168. Since 1993, SIDA, together with UNICEF, has been financing a regional programme for children in specially difficult circumstances, focusing on child workers and the situation of street children in Latin America. This programme has come to focus more and more on the rights of the child, e.g., through reforms of national child legislation in keeping with the Convention. Opinion formation concerning the Convention has been another main concern. An action plan for the rights of the child is at present being prepared in association with UNICEF and the Swedish Save the Children Federation. This plan will comprise:

(a) Legal reforms to bring national legislation in line with the Convention;

(b) Measures of institutional reinforcement to protect and support the rights of the child, e.g., through in-service personnel training in the administration of justice and the police;

(c) Opinion formation and information concerning the rights of the child.

169. Within cooperation with Central and Eastern Europe, measures concerning children and young persons form part of the development of social services and training in social work. In this connection, consideration has been given to the vulnerability of children in the dismantling of social security which has resulted from the process of transformation in the region. Measures of this kind have been taken in Estonia, Latvia, Lithuania, Belarus and the Russian Federation. A pilot project to prepare orphaned youngsters for entry into the community is in progress in Latvia. Also in Latvia, support is being given to an office for human rights which among other things is concerning itself with aspects of the rights of the child.

170. In the context of cooperation with Central and Eastern Europe, measures focusing on children and young persons are expected to acquire added importance in future. In the guidelines recently adopted for support in social affairs, attention is drawn to the need for inputs specifically relating to the situation for children and young persons and to the desirability of such measures being geared to the Convention on the Rights of the Child. A current study, concerning support in the legal sphere, touches on children's right to protection.

171. Multilateral work with children. Since 1990, the United Nations Development Programme (UNDP), partly with Swedish financial support, has produced a report, The Human Development Report, introducing a development index for the measurement of poverty. That report convincingly demonstrates the importance of the social sectors for human development, thereby highlighting the importance of measures for children. The report is expected to make an important difference to the programme activities of UNDP and other development cooperation agencies.

172. Sweden's national contribution to UNICEF is the second largest from any single country (SKr 283 million for the 1997 fiscal year). UNICEF's programme activities are most extensive in countries where poverty is most widespread, where most children are born and where infant mortality is highest. The Convention and children's rights are becoming more and more important as a point of departure for UNICEF's work. Special attention is at present being paid to child labour, commercial sexual exploitation of children, children in armed conflicts and education for girls and women. Sweden is actively pursuing these questions. In addition there are children with functional impairment - a new Swedish profile issue in international development cooperation.

173. Sweden will be augmenting its efforts, especially with regard to educational opportunities for girls and women. Through UNESCO and the Swedish

UNESCO Council, Sweden has been particularly concerned with measures to promote literacy and counteract illiteracy, and has worked on projects promoting the internationalization of education.

174. Many of the problems characterizing poverty and influencing children's situation can be related to population problems. With more than 90 per cent of the earth's population increase taking place in the developing countries, the population issue demands high priority. Sweden is therefore actively supporting the United Nations Population Fund (UNFPA) and the International Planned Parenthood Federation (IPPF), an association of NGOs.

175. Sweden has worked actively to improve possibilities for UNHCR to develop international refugee work. UNHCR cooperates closely with the World Food Programme (WFP). Sweden is giving priority to continuing assistance to displaced children through UNHCR, WFP, and such NGOs as the Swedish Save the Children Federation.

176. The Government of Sweden hosted the World Congress against Commercial Sexual Exploitation of Children, which took place in Stockholm on 27-31 August 1996. The Government was one of four arrangers, together with UNICEF, ECPAT and the international organizing group for the Convention on the Rights of the Child. The World Congress was the first meeting of its kind. Representatives of 122 countries and of NGOs and intergovernmental organizations took part on equal terms. The Congress adopted a declaration and a plan of action, thereby committing itself to global cooperation against commercial sexual exploitation of children.

B. Definition of the Child

177. Persons under 18 in Sweden are minors and do not have the vote. A minor comes under the rules of the Code of Parenthood and Guardianship concerning custody, access and maintenance obligations. Under this code, a person under 18 does not have full powers of determination over his personal or economic affairs. Parallel to the child's increasing age and development, however, the custodian must show increasing consideration for the child's viewpoints and wishes. The protection and rights which the rules of the Code of Parenthood and Guardianship imply in personal and economic matters are supplemented by special rules for children and young persons in other fields where they are affected.

178. A child under 18 does not have full control of his or her property. Nor may the child enter into contractual obligations or financial liabilities (e.g. by getting into debt) to a greater extent than is indicated by law or by conditions attaching to the acquisition of property by gift or testamentary disposition.

179. Minors can also inherit, inheritance can be entered into by the person living at the decease of the testator etc. A child conceived before the death may enter into inheritance if subsequently born alive.

180. The guardian (normally the child's parents) must administer the minor's assets and represent the minor in matters relating to them.

181. A minor with an independent household may, for day-to-day household management and the rearing of children belonging to the household, enter directly into legal transactions usually undertaken for these purposes.

182. The child's guardian may not allow a child under the age of 16 to carry on business. If the guardian wishes to allow a minor aged 16 or over to conduct an enterprise or if the guardian wishes to conduct an enterprise on the young person's behalf, consent must be obtained from the Chief Guardian. A minor carrying on business with consent may enter into legal relations coming within the scope of the business, with the exception of certain legal acts, e.g., relating to real estate.

183. Under the rules of the Companies Act, a minor may not found a limited company. In order for a minor to be allowed to form or become a partner in a trading partnership, permission must be granted by the guardian. Permission of this kind may only be given to a person aged 16 or over.

184. The minor normally has to obtain the guardian's permission in order to form or enter into an association.

185. Children may not enter into contracts for employment or other work without the guardian's consent. The child may personally cancel the agreement and, if the child is aged 16 or over, enter into an agreement concerning work of a similar nature without obtaining renewed consent. Special rules exist for the protection of minors at work. A minor may not normally be employed on work before the calendar year in which he is 16 years old, nor before he has completed his compulsory schooling. A minor may, however, be engaged at the age of 13 for light work which cannot be detrimental to his health, development or schooling. A person under 18 may not be employed in a manner entailing a risk of accident, overexertion or other harmful effect on the minor's health or development.

186. After attaining the age of 16, the minor is entitled to control of his or her earnings. A minor aged 16 or over can also make testamentary dispositions concerning property over which he or she has control.

187. Schooling is compulsory for all children domiciled in Sweden. Ordinary compulsory schooling is matched by entitlement to receive education in a compulsory Saami school, special school or compulsory school for the mentally retarded. Compulsory schooling ends when the child has satisfactorily completed 9 or, in certain cases, 10 years' compulsory education. The right to education (art. 28) is further dealt with under the heading "Education, leisure and cultural activity".

188. Children committing crimes before they are 15 years old may not be sentenced under the Penal Code. The municipal social welfare committee, however, must always be informed if children under 15 commit crimes or are questioned in connection with crimes. In certain cases, a criminal investigation may be started in spite of the person who committed the crime being under the age of 15. An investigation of this kind may be inaugurated if it will presumably have a bearing on deciding the need for social service measures relating to the child, if it is necessary in order to clarify whether a person aged 15 or over was implicated in the crime, if it is necessary in

order to search for property obtained through the crime or if it is otherwise of particular importance that an investigation be conducted. If the child is aged under 12, an investigation may be started only if there are exceptional reasons for doing so.

189. A person who, while aged under 15, committed a crime for which a sentence of imprisonment could have been passed may, under certain circumstances, be arrested in connection with the crime. When this happens, the police or a prosecutor must immediately decide whether the juvenile is to be released or detained for questioning. Persons under 15 may not, however, be detained or remanded in custody.

190. Under certain conditions, the prosecutor may decide to waive prosecution for crimes which a person committed before the age of 18.

191. The basic principle where young offenders are concerned is that they are primarily to be cared for within the social services. Under the Penal Code, a person under the age of 21 who has committed a crime may be committed to care within the social services, instead of other sentencing. A custodial sentence for a crime which a person committed before the age of 18 may only be passed if there are exceptional reasons for doing so. There is also a special rule of sentence reduction whereby a more lenient sentence than is otherwise prescribed may be passed for a crime which a person committed before he was 21 years old.

192. If a person presumably under the age of 18 is found in conditions which imply an imminent and serious risk to his health or development, he may be taken in charge by a police officer for prompt delivery, by the police officer, to his parents or some other custodian or to the social services.

193. There is no lower age limit concerning committal for care under the Social Services Act, the Care of Young Persons (Special Measures) Act or the Compulsory Psychiatric Care Act. Care under the Care of Young Persons (Special Measures) Act can be provided for persons under the age of 18. In certain cases it can also be provided for those aged 18 or over but under 20.

194. Children aged 15 or over are entitled to plead on their own behalf in cases and other matters coming under the Social Services Act and the Care of Young Persons (Special Measures) Act. Children under the age of 15 should also be given a hearing if they can presumably do so without suffering harm.

195. In custody and access proceedings, the Code of Parenthood and Guardianship permits a child to testify in court if there are special reasons for this and it is obvious that the child will not suffer harm as a result. In cases of this kind, when the court has ordered an investigation of the question of custody and access, the person carrying out the investigation shall try, except where this is unsuitable, to clarify the child's standpoint and give an account of it to the court. In its assessment, the court must take the child's wishes into account, having due regard to the child's age and maturity.

196. Cases concerning the enforcement of rights of access and custody have as a rule been preceded by proceedings in a common court and can therefore be

termed a continuation of that process. No express permission has therefore been judged necessary to the effect that the child's wishes are also to be investigated in enforcement proceedings. In cases of this kind, however, the court is expected to particularly bear in mind that the length of time between the decisions may be such that the child's attitude can have changed. It is especially important for enforcement proceedings that, where slightly older children are concerned, the court is expressly obliged to take the child's wishes into account. A child aged 12 or over can veto the enforcement of a court ruling on the subject of custody and access. Enforcement may take place against the child's wishes only if the court finds it necessary out of consideration for the child's best interests. The same applies concerning children who are under the age of 12 but who have attained such a degree of maturity that their wishes should be similarly taken into account. Just as in custody and access proceedings, the child can be called to testify in court if there are special reasons for doing so and it is obvious that the child will not suffer harm as a result.

197. In matters of guardianship, trusteeship and administration, children aged 16 and over have a certain standing to litigate. As part of this standing, a child aged 16 or over is entitled to apply for the appointment or discharge of a guardian, trustee or administrator. A child aged 16 or over must in addition be given the opportunity of a hearing in the matter if possible. The court's decision may be appealed by any party entitled to file a petition, which includes a minor aged 16 or over.

198. The child's guardian shall, if there is a suitable way of so doing, consult the minor on important questions. This rule only applies if the minor is aged at least 16. A similar duty is incumbent on a trustee or administrator.

199. The child does not have standing to litigate in matters of adoption, but a child aged 12 or over may not be adopted without his or her consent. No such consent is needed, however if the party to be adopted is under 16 and he or she would suffer harm from being consulted or is permanently incapable of giving consent owing to mental disturbance or some comparable circumstance. In matters of adoption the municipal social welfare committee shall, except where it is inappropriate to do so, try to clarify the child's attitude and declare it to the court. In judging whether it is suitable for adoption to take place, the court, even when the child's consent is not needed, must take the child's wishes into account, having due regard to the child's age and maturity.

200. Rules concerning the acquisition and change of names are contained in the Names Act (1982:670). A child can be a party to cases and matters of this kind. In the case of children under 18, however, notification or application has to be made by the custodian. Thus the child does not have standing to litigate. If, however, the child has attained the age of 12, application or notification concerning a change of name may not be made without the child's consent unless the child is permanently prevented from giving consent by reason of mental disturbance or some other such circumstance. In matters of names, the municipal social welfare committee must try, except where it is inappropriate to do so, to clarify the child's attitude and declare it to the court. In judging whether a change of name is compatible with the child's

best interests, the court, even when the child's consent is not needed, must take the child's wishes into account, having regard to the child's age and maturity.

201. A child conceived by donor insemination (i.e., as a result of sperm from a man other than the woman's husband or cohabitee being introduced into the woman by artificial means) is entitled, if it has achieved sufficient maturity, to be apprised of the particulars concerning the donor entered in the special record kept by the hospital. It is the duty of the municipal social welfare committee, when called upon to do so, to assist the child in procuring this information.

202. In derogation of the secrecy applying within social services, particulars concerning the personal circumstances of individuals may be supplied to a party who has attained his or her majority (i.e. is 18 or over) if the information is important in order for that party to ascertain the identify of his or her biological parents.

203. In certain cases, e.g. under the Care of Young Persons (Special Measures) Act and the Aliens Act, the child is entitled to personal legal representation. In connection with a police investigation and judicial proceedings in which a child is complainant, the police, prosecutor and court are required, ex officio, to consider whether the child is in need of personal legal representation, a complainant's counsel. This service, available in connection with certain types of crime, is free of charge to the complainant.

204. If an accused is under 18 years old, public defending counsel must be appointed for the juvenile unless it is obvious that he has no need of defending counsel.

205. There is no formal impediment to a child being called as a witness. Since, however, questioning in court can entail serious detriment to the child, the courts have been left to decide - in the case of children under 15 - whether questioning should take place. Great importance is attached to the custodian's opinion in this matter.

206. Sometimes it may also be appropriate to obtain medical advice on the subject. The usual procedure is for the child not to be questioned in court but to be given a hearing, e.g. through questioning by the police or in connection with custody and access investigations. The questioning is video- or sound-recorded. Conversations with the child in connection with custody investigations are usually presented in writing in the investigation report. A person under the age of 15 may not be sworn as a witness. Nor can he or she incur any sanctions (contingent fines or remand in custody) for refusing to testify. On the other hand the child can be forcibly conveyed to court.

207. A person under the age of 18 may not marry without special permission. If the right of entering into matrimony is to be examined in accordance with foreign law, then, under the Act on Certain International Legal Relations Concerning Marriage and Guardianship, the rule is that permission from the county administrative board is required for a person aged under 15. Proposals put forward in 1987 provide for this rule to be amended in such a way that

Swedish law will always apply to the examination of impediments to marriage. If so, permission will be required for all persons under the age of 18. This proposal is currently being studied at the Ministry of Justice.

208. Sexual intercourse with children under the age of 15 is unconditionally prohibited. A higher age limit applies in custody situations and suchlike. It is also a punishable offence to have sexual relations with children under 15 or to induce a child to take part in any act of a sexual nature. Penal sanctions apply to procedures whereby any person, by making or promising payment, obtains or attempts to obtain sexual intercourse with a person under 18.

209. Swedish men are liable for compulsory military service from the calendar year in which they are 18 up to and including the year in which they are 47.

210. Spirituous drinks, wine or strong beer may not be sold or supplied to a person who is presumably under the age of 20. The same applies to the retailing of beer and the service of alcoholic drinks to persons presumably under the age of 18. Use of narcotic drugs is a punishable offence regardless of age.

211. An 18-year age limit for the purchase of tobacco products was introduced on 1 January 1997.

212. Contraceptive guidance is given to children and young persons without their parents being informed, if this is the child's wish. Consideration is paid, however, to the child's maturity. Nor are parents informed of an abortion performed on a minor if the child has objected to this information being given and there is a presumption that the minor will suffer significant detriment if the information is divulged to the custodian.

213. The minimum age for a car driving licence is 18, while a person aged 15 or over may ride a moped and a person aged 16 or over may ride a light motorcycle.

C. General principles

1. Non-discrimination (art. 2)

214. The requirements of this article are satisfied through the basic rights and liberties guaranteed by the Swedish Constitution. The Constitution Act lays down that public power shall be exercised with respect for the equality of all human beings and for the liberty and dignity of the individual. It also lays down that courts, together with administrative authorities and others discharging duties in the public administration, shall in the course of their activities respect universal equality before the law and observe objectivity and impartiality. Special mention should be made of the provisions aimed at discrimination on grounds of race, colour or ethnic origin or sex. Another provision of the Constitution Act lays down rules which give aliens in Sweden parity of status with Swedish citizens in a number of respects.

215. Sanctions against offences are contained in the Penal Code, which includes provisions on unlawful discrimination and agitation against an ethnic group. The provisions concerning agitation against an ethnic groups have counterparts in the provisions of the Freedom of the Press Ordinance and the Freedom of Expression Constitutional Law concerning, respectively, press freedom crimes and freedom of expression crimes. A person threatening or expressing disrespect for an ethnic group or any other such group of persons with reference to their race, colour, national or ethnic origin or creed will be convicted under these provisions of agitation against an ethnic group.

216. The European Convention for the Protection of Human Rights and Fundamental Freedoms has had the status of law in Sweden since 1 January 1995.

217. One of the most important tasks of schools is to communicate and establish the democratic values on which our society is based and to promote good social development among the young. Every young person is entitled to expert that he or she will be respected and taken seriously. Schools must defend the concept of universal human equality and the universal right to be respected and given a hearing. Accordingly, schools can never be neutral where values are concerned.

218. A working group within the Cabinet Office has been tasked with compiling an inventory of work at national authority level with reference to the basic values of schools. In June 1997 this working group put forward proposals for measures at the national, municipal and local levels. The proposals are intended to strengthen, directly or indirectly, the work of schools in communicating the fundamental values of society.

219. Disturbing signs of increased intolerance towards other people and cultures have been observed recently. A number of measures are being taken to prevent and counteract manifestations of xenophobia. They include financial support for information, education and project activities. In November 1996 the Government appointed a national coordinating committee for the European Year against Racism. Among other things the committee is to work with opinion formation and ways of encouraging businesses, popular movements, and municipal and national authorities to consider and decide an appropriate attitudes and modes of action in the multicultural society.

220. On 1 January 1997 the Government appointed a special investigator to review the Ethnic Discrimination (Prohibition) Act. This inquiry will focus on matters relating to ethnic discrimination in the labour market and on measures which may be justified as a means of preventing such discrimination.

221. For 1997 the Government has earmarked SKr 125 million for special measures in areas with large immigrant populations. These measures are being made to target the socially most disadvantaged housing areas, where children are often in a difficult social situation. One aim is to increase immigrant participation in working life. For 1997 the Government has also allocated SKr 20 million for measures to combat xenophobia and racism.

222. Every year the Office of the Ombudsman against Ethnic Discrimination (DO) organizes an essay-writing competition for young persons in grade 9 (the

terminal grade) of compulsory school and grade 1 of upper secondary school on the subject of "Against xenophobia and racism". About 300 schools throughout the country usually take part.

223. Equal treatment of children, regardless of whether or not their parents are married to each other, is a fundamental principle of family law. The terms "child born in wedlock" and "child born out of wedlock" were abolished in 1976. In 1969, children of unmarried parents acquired full rights of inheritance in relation to the father and his relatives.

224. Mention was made, in the previous point, of the difference applying to the right of entering into matrimony without special permission from the county administrative board. Thus, in the case of persons for whom impediments are to be examined under a foreign law, special permission of this kind is only required if the person is below the age of 15.

2. The best interests of the child (art. 3)

225. As mentioned earlier, the child's rights and integrity have become an increasingly central concern of Swedish policy and legislation. At the same time, policy is based on the parents bearing the main responsibility for children's upbringing and support and being the most important persons in the children's lives. This means that parents must have the support of the community in their parenting, but also that society is entitled to intervene in order to protect the child. The child must be entitled to protection from offensive treatment even where its parents are concerned. The child's life and personal integrity must be respected by the parents as well.

226. Swedish law concerning children and young persons is based on the principle of the best interest of the child. That principle is rooted in the Constitution through provisions of the Constitution Act to the effect that the basic aim of public activity shall be the welfare of the individual in different respects. Accordingly, it is the duty of the public sector to make special provision for social care and security and for a good living environment.

227. One important consequence of the above is that the principle of the best interests of the child applies to all social planning. It must permeate curricula, municipal education plans and child care plans, urban plans, traffic plans, etc. Among other things, the Office of the Children's Ombudsman (BO) - a national authority - has for several years now been successfully engaged in supervising the planning of children's everyday surroundings. The terms of reference for government commissions in matters relating to children and young persons often stipulate nowadays that, as a point of departure for its deliberations, the commission is among other things to take into account the Convention on the Rights of the Child.

228. The principle of the best interest of the child is also expressly indicated by certain legislation. The rules of the Code of Parenthood and Guardianship concerning custody and access lay down that these questions are to be decided in accordance with the best interest of the child. In deciding what is best for the child, the court is to take special account of the child's need of close and good contact with both parents. The *travaux*

préparatoires of this legislation indicate that, in a custodial dispute, the court should opt for the solution which seems most likely to result in the child's basic rights being provided for. The provisions of the Code of Parenthood and Guardianship mean that neither parent is, by reason of his or her sex, a more suitable custodian than the other.

229. The basic rights of the child are set out in the Code of Parenthood and Guardianship. Children are entitled to care, security and a good upbringing. Children shall be treated with respect for their person and individuality and may not be subjected to corporal punishment or any other offensive treatment. The interpretation of this provision is elaborated in the travaux préparatoires. Thus, the right to care is not confined to the child's rights to satisfaction of its material needs; matters referring to the child's mental and social needs are just as important. The child's right to security includes, for example, being allowed to live in a stable relationship and having someone to rely on. Good care and upbringing includes the child being able to feel that it is needed and the child being allowed to test its capacity and develop its inherent resources in order gradually to emancipate itself from dependence on its parents. Good upbringing also means the child being taught to set limits for its actions and to take responsibility. The right of a child to be treated with respect for its person and individuality means that the child must be shown consideration and respect with regard to its individual properties and idiosyncrasies. Children are entitled to progressively stronger integrity safeguards as they grow older.

230. Questions, concerning custody and access were reviewed recently by a government commission, the Custodial Dispute Commission, which, in its report "Custody, housing and access" (SOU 1995:79), has proposed that the introduction to the chapter of the Code of Parenthood and Guardianship dealing with custody and access be made to include a new provision indicating that standpoints adopted by the court in matters of custody and access shall be decided according to the child's best interest. The aim here is to put further emphasis on the principle of the best interest of the child. The Commission has further proposed that the Act expressly indicate that access to a non-custodial parent is the child's right and that both parents are responsible for the child's need to associate with a non-custodial parent to be provided for as far as possible. The report has been circulated for comment and is currently being processed in the Ministry of Justice. The aim is for legislative amendments, based partly on this report, to be introduced in the Riksdag during the autumn of 1997.

231. The Aliens Act was recently made to include a special provision, modelled on article 3 of the Convention, to the effect that in the implementation of the Act, special attention shall be paid to considerations concerning the child's health, development and general best interests.

232. As from 1 January 1998, the Social Services Act will include a provision indicating that when measures affect children, special consideration shall be paid to the requirement posed by allowance for the child's best interests.

233. Although the best interests of the child are not at present explicitly indicated in the wording of the law, the principle of the best interests of the child has been fundamentally important in the framing of rules relating to

children and young persons. An example is the Young Offenders (Special Provisions) Act, which sanctions the remand in custody of persons under 18 only in exceptional cases. Special rules also apply for the protection of children as complainants and when children are being questioned in the course of a preliminary criminal investigation. The Preliminary Investigations Ordinance, which deals with preliminary investigations in criminal proceedings, lays down that the questioning of young persons under the age of 18 shall be planned and conducted in such a way that there will be no danger of the person questioned suffering harmful effects. Special care shall be observed if the questioning concerns sexual matters.

234. The principle of the best interests of the child is also expressed in the context of adoption: a court may grant permission for an adoption only if the adoption is of advantage to the child. The principle is also applied to questions of names. In order for a child to change surnames, for example, it is necessary in certain cases for the court to find that the change is compatible with the child's best interests.

3. The right to life, survival and development (art. 6)

235. Medical and social services in Sweden are well up to the provisions of article 6. The great majority of children in Sweden are born in hospital and all mothers are offered good maternity care. In addition, there is an amply developed system of mother, child and school health care which is free of charge. Children's right to survival and development is further dealt with in the section headed "Basic health and welfare".

4. Respect for the child's opinions (art. 12)

236. The Constitution Act assures all citizens, children included, of the right to freely form and express their own opinions. The extent to which importance is to be attached to children's opinions in questions affecting them is governed in greater detail by the legislation referred to. As an example one can take the rules of the Code of Parenthood and Guardianship concerning the exercise of custody: "It is the right and duty of the custodian to decide questions relating to the child's personal affairs. In doing so, the custodian shall take progressively greater account of the child's viewpoints and wishes, parallel to the child's increasing age and development" (chap. 6, sect. 11).

(a) Family law

237. In judicial proceedings concerning custody or access, the court may instruct the municipal social welfare committee or some other body to arrange talks, in the child's interest, with a view to achieving consensus between the parents (cooperation talks).

238. Before the court determines a case concerning custody or access, the municipal social welfare committee must be given the opportunity to supply information. If further investigation is needed, the court may instruct the municipal social welfare committee or some other body to appoint a person to carry out the investigation. That person shall, except where it is unsuitable to do so, try to clarify the child's attitude and declare it to the court.

The travaux préparatoires of this provision state that it is of course unsuitable to try to ascertain an attitude on the part of a child who is not old enough or mature enough to have a personal opinion on the matter. In other situations too, it may be unsuitable to explore the child's attitude. This may be the case if the child is particularly sensitive and its main attitude is known from another investigation. The travaux préparatoires stress that the child must never be coerced into taking a stand.

239. The child may be questioned in court if there are special reasons for doing so and it is obvious that the child will not suffer harm from being questioned. This provision is applied very restrictively indeed by the courts. Children's wishes are generally inferred from the custody or access investigation.

240. If the child is aged 12 or over, a custody or access order may not be enforced against the child's wishes, except where the court finds this necessary out of consideration for the best interest of the child. The same applies if the child is not yet 12 years old but has attained such a degree of maturity that its wishes ought to be taken into account as if it had.

241. In paternity cases, the child has the standing of a party to the proceedings. An action for the establishment of paternity is brought by the child. The case of a minor in these proceedings is conducted by the child's mother, if she has custody, or by a specially appointed custodian or, in certain cases, by the municipal social welfare committee. In cases concerning the cancellation of a paternity presumption, a guardian or a guardian ad litem may speak on the child's behalf. It is not the intention, however, to debar a minor from speaking on his own behalf. Pronouncements in the literature indicate that the minor has this competence if he or she is at least 15 years old and has sufficient judgement.

242. In maintenance proceedings, the child is a party but does not have standing to litigate (i.e. the child cannot conduct proceedings personally but is represented by a proxy). Custodians (in cases where the parents have joint custody of the child, the parent with whom the child is living) and guardians are entitled to represent the child.

243. As regards the child's right to a hearing in cases and matters of guardianship, trusteeship, administratorship, adoption and names, reference is made to the account already given in the section headed "Definition of the child".

244. National youth policy has been reviewed by a committee which among other things has raised the question of opportunities for participation and influence by young persons. The committee's report, "Politics for the young", proposes measures to increase young people's participation and influence. The committee's proposals will be dealt with in a bill to be introduced in the Riksdag during the autumn of 1997.

(b) Citizenship

245. The Swedish Citizenship Act also contains a provision catering to the demand for consideration of children's opinions. Acquisition of Swedish citizenship by notification for children whose parents are not married to each other is subject to the child's consent if the child is aged 15 or over.

(c) Transplantation

246. Surgery for transplantation purposes may be performed on a deceased minor if the minor has declared himself in favour of such action or if, for other reasons, there is firm reason to suppose that the action would agree with the minor's views. In situations where a minor's opinion is not clear, it is for the next of kin to decide. Surgery for transplantation purposes on a living person under 18 may take place only under certain conditions. Permission has to be obtained, for example, from the National Board of Health and Welfare. Surgery may not be performed against the minor's wishes and only if there are exceptional reasons for it.

(d) Religion

247. Under the Freedom of Religion Act, notice of entry into or withdrawal from the Church of Sweden is given by the custodian. If the child is aged 15 or over, its consent is required.

(e) Social services

248. Children shall be given the opportunity to state their opinions in their contacts with social services, especially when an investigation is being made concerning the child's possible placement away from home. If the child is aged 15 or over, it is entitled to represent itself in cases and matters under the Social Services Act which concern itself. Younger children should be given a hearing if it may be presumed that they will not suffer harm as a result. Corresponding provisions are contained in the Care of Young Persons (Special Provisions) Act with regard to cases and matters referred to therein.

249. On 1 January 1996, the Care of Young Persons (Special Provisions) Act was made to include a provision whereby a person appointed as public counsel for a party under 15 without at the same time being counsel for the custodian is, without special appointment, the young person's proxy in the case or matter to which the appointment refers.

250. A provision to be added to the Social Services Act on 1 January 1998 lays down that when a measure affects a child, the child's attitude shall be ascertained as far as is possible. Allowance is to be made for the child's wishes, having due regard to its age and maturity. This provision has a wider purview than that concerning the child's right to plead in cases or administrative matters. It also applies to situations other than investigatory work affecting the child in one way or another.

(f) School activities

251. Ever since the beginning of the 1980s, through provisions in various educational enactments, pupils have been entitled to influence school activities. The extent and structure of pupil influence must be adapted to the pupils' age and maturity. The form of pupil influence depends on the local school. One central rule for compulsory school, however, is that pupils in every class or teaching group shall be given the opportunity to discuss questions of common interest to them, together with the teacher.

252. Students in upper secondary school are entitled, through the "school conference", to decide questions of great importance to them and of great consequence for the interchange of information, consultations and joint discussions between head teacher, staff and students.

253. Despite these regulations, various studies have shown that pupils do not exert any real influence on teaching. Several studies have shown that many pupils feel unconcerned with what goes on in the classroom, do not feel that they are seen and heard, do not derive any enjoyment from teaching and do not feel that they are doing anything worthwhile. Many find teaching monotonous and predictable. They cannot influence the organization and content of teaching to any great extent, they do not have a hand in choosing teaching materials and they cannot influence tests and homework. There are great differences between individual schools, but the overall results are disheartening.

254. Through the new curricula (Lpo 94 and Lpf 94) and the time schedules, the pupils have been given wider opportunities for influencing their education. The time schedule for compulsory school indicates a certain number of hours for the pupil's choices and those of the school respectively. The purpose of the pupil's choice is to enable pupils, for part of their time at school, to devote themselves to studies which they themselves have chosen and wanted. In this way their interests, initiative and involvement can be stimulated, which ought to enhance their educational motivation. The purpose of school choice is to give the school an opportunity to present its specialities. Music is a common speciality, but culture, sport, science and languages also occur.

255. The Government's aim is to strengthen the influence exerted by pupils and parents in school. Pupil influence is a prerequisite of the work which goes on in school. Pupils must be allowed influence, because the education of democratic citizens is one of the tasks of school. This in turn requires the pupils to have an opportunity to practise democracy in school. Pupil influence is also a precondition for participation and learning.

256. To provide pupils with greater opportunities to influence, the Riksdag resolved in May 1997 on a four-year experimental period, during which the municipalities may transfer certain responsibilities and decision-making functions to a local governing body, with a student majority, in upper secondary school and municipal adult education. In compulsory schools and compulsory school for the mentally retarded, a five-year experimental scheme of local governing bodies with a parental majority has been operating since 1996. So far upwards of 30 schools have reported setting up local governing

bodies with parents in the majority. These governing bodies can become natural forums for discussions, e.g. concerning the working environment, where violence and victimization are important topics.

257. Schools have undergone great changes in recent years. Goals and management have been altered. Under the new steering system, the State formulates goals for activities and supervises the latter. The school mandator, which in most cases means the municipality, is responsible for the conduct of activities. Developments in schools have to a great extent been characterized by departure from the mentality where pupils were objects of teaching to regarding the pupils as active and creative participants. The changed role of the teacher requires teachers to be capable of assuming responsibility for both overarching and intradisciplinary goals.

258. In April 1997 the Government resolved to appoint a parliamentary committee to submit proposals, not later than June 1998, for the renewal of teacher education. Among other things this remit includes indicating goals and principles for the management of teacher education. In this connection the committee is to observe how trainee teachers acquire their knowledge in school. The terms of reference state that the Convention on the Rights of the Child is a basic document for everyone working with children.

D. Civil rights and liberties

1. Name and nationality, etc. (art. 7)

259. The stipulation in article 7 that a child shall be registered immediately after birth is accommodated through the Civil Registration Act. All live births in Sweden have to be reported for civil registration. So too does the birth of a child abroad to a woman who is registered as a resident of Sweden. In addition, a person who, after migrating to Sweden, will presumably be domiciled in this country for at least one year has to be registered with the civil registration authorities. The birth of a child must be reported in writing to the tax authority. If the child is born in hospital or in a private nursing home, that establishment must make a report as soon as possible. In other cases the child's custodian must make a report within one month of the birth.

260. The right to a name is governed by the Names Act, which among other things contains provisions on the acquisition of surnames at birth and in connection with adoption. There are also provisions requiring each child to be given one or more forenames.

261. As regards a child's right to know its parents, the following rules can be mentioned.

262. If the mother's husband is not the child's father and paternity cannot be ascertained through confirmation by a man, the municipal social welfare committee is duty bound, under special provisions of the Code of Parenthood and Guardianship, to try to ascertain who is the child's father. In such cases, as a rule, proceedings for the establishment of paternity have to be filed with a court.

263. Under the Insemination Act, a child conceived by donor insemination is entitled to be personally apprised of particulars concerning the donor, on condition that the child has attained sufficient maturity. The decision thus made, however, is made in the child's interests. As a matter of principle it is considered important that a child conceived through donor insemination should be told this by its parents. At the same time, however, it is considered essential that a child should not be forcibly given information which it is not sufficiently mature or prepared to receive. It has therefore been left to the parents to decide when the time is opportune. Nor can one exclude the possibility of cases occurring where the receipt of information of this kind would not be compatible with the child's best interests. This question, accordingly, has not been considered suitable for statutory regulation. On the other hand, at hospitals where insemination takes place, the attention of parents should be drawn to the importance of frankness with the child as a principle.

264. The right of the child to be cared for as far as possible by its parents is matched by the rules of custody existing in the Code of Parenthood and Guardianship and by the principles applying under Swedish social legislation. The main responsibility for care and upbringing, as mentioned previously, devolves on parents. Not until the child's basic rights are violated is it the duty of society to intervene. From their birth, children are in the custody of both parents, if the parents are married to each other, and otherwise in the custody of the mother only. If the parents divorce, the child remains in the custody of both of them, unless joint custody is dissolved as provided through special rules of the Code of Parenthood and Guardianship.

265. Measures within the social services for children and young persons are to be undertaken in consensus with the young individual and his custodian. Furthermore, in cases where a child is placed in public care, the child must, in the normal instance, return to its parents when the care is no longer needed.

266. As regards a child's right to nationality, the Swedish Citizenship Act is based on the principle of descent, which means that the child's nationality will depend on that of its parents. If the mother is a Swedish citizen, the child always acquires Swedish citizenship. The same applies if the father is or, at the time of his death, was a Swedish citizen and was married to the child's mother. If a Swedish man marries a foreign woman, a child of theirs born before the marriage will become a Swedish citizen if it is unmarried and under the age of 18.

267. Under the Swedish Citizenship Act, a child under the age of 12 automatically acquires Swedish citizenship when adopted by a Swedish citizen, if the adoption takes place in a Nordic country or is approved in Sweden, whereas the qualifying period for non-Nordic citizens is normally five years.

268. A stateless person or political refugee can acquire Swedish citizenship by naturalization after four years in Sweden, as against five years in normal cases for non-Nordic citizens.

269. During the spring of 1977 the Government appointed a committee to review the Swedish Citizenship Act. Avoidance of statelessness is a prime concern in this connection, and in particular the committee is to consider the possibilities of offering Swedish citizenship to children born in Sweden if their parents have permanent residence permits in this country. Article 7 of the Convention is to be taken into account in this connection.

2. Preservation of identity (art. 8)

270. Under the Constitution Act, no Swedish citizen who is or has been domiciled in Sweden may be deprived of his citizenship except where he becomes a citizen of another State simultaneously, after expressly consenting thereto or by entering into public service. In the case of children under the age of 18, however, the law says that citizenship follows the parents or one of them.

271. The possibilities of depriving a Swede of his citizenship are regulated in detail by the Swedish Citizenship Act. Swedish citizenship is lost by a person acquiring foreign citizenship by application or express consent; a person acquiring foreign citizenship by entering into public service in another State; an unmarried child under the age of 18 who becomes a foreign citizen as a result of foreign citizenship being acquired, in the manner already described, by the parents, if they have custody of the child, or by one parent if that parent has sole custody or shares custody with the other parent and the other parent is not a Swedish citizen. The provisions of the Swedish Citizenship Act also guarantee that loss of Swedish citizenship will not result in children becoming stateless.

272. Rules concerning losses and changes of surname are contained in the Names Act. Loss of name can only occur in certain particular situations, e.g. as a consequence of the outcome in paternity proceedings or due to somebody having acquired, by notification, a name to which he or she was not entitled. Entitlement to a change of surname can exist in particular situations. As regards a change of name for a person aged under 18, the prerequisites are designed with a view to making the change compatible with the child's best interests.

273. Notification or application for changing a child's name is made by the child's custodian. If the child is aged 12 or over, its consent is required, unless the child is permanently prevented from giving consent by mental disturbance or suchlike. In judging whether a change of name is compatible with the child's best interests, the court, even where the child's consent is not needed, must consider the child's wishes, having due regard to the child's age and maturity.

3. Freedom of expression (art. 13)

274. The basic rights and liberties laid down in the Constitution Act apply to all citizens, children as well as adults. Every citizen is assured, in relation to the community, of freedom of expression, i.e. freedom to convey information and to express thoughts, opinions and feelings in speech, writing or images or by other means. Furthermore, every citizen is assured, in

relation to the community, of freedom of information, i.e. liberty to obtain and receive information and generally to have access to the utterances of others.

275. Subject to certain conditions, freedom of expression can be restricted by law. Certain general preconditions in this respect are indicated by the Constitution Act. Restriction is only permissible for purposes acceptable in a democratic society. It may never extend further than is necessary, having regard to the purpose prompting the restriction, nor may it be taken to such lengths as to constitute a threat to the free formation of opinion as one of the foundations of popular government. Nor may restrictions be imposed solely on grounds of political, religious, cultural or other conviction.

276. In the case of freedom of expression and freedom of information, the general preconditions are supplemented by further provisions indicating the purposes for which restrictions can be made. Thus the Constitution Act lays down that freedom of expression may be restricted out of consideration for national security, economic necessity, public order and safety, individual reputation, the sanctity of private life and the prevention and prosecution of crimes. Freedom of expression in business activity may also be restricted. Finally, it is laid down that other restrictions may be imposed on freedom of expression only if there are especially important reasons for doing so. In matters of freedom of expression, an alien domiciled in Sweden is, in principle, equated with a Swedish citizen.

277. Freedom of expression in print is specifically regulated by the Freedom of the Press Ordinance. Freedom of the press means, briefly, the right of publication without prior inspection and freedom to express one's thoughts and opinions in print subject to no restrictions other than those implied by the provisions of the Freedom of the Press Act. This Act also lays down that all citizens, for the promotion of a free interchange of opinion and comprehensive information, are entitled to have access to a public document. The Ordinance includes a catalogue of the offences which, if committed in print and punishable by law, are deemed to include offences against freedom of the press, namely crimes against national security, high treason, treason, etc., crimes against public order and defamation. Under a special statutory rule, freedom of the press is restricted by provisions of the Secrecy Act and rules in certain other Acts imposing confidentiality on particular categories of persons.

278. Freedom of expression on radio and television and in certain comparable transmissions, in films, video recordings and other recordings of moving pictures and sound recordings is specifically addressed in the Freedom of Expression Constitutional Law, which is based on the same principles as the Freedom of the Press Act. This means, for example, that the principle of non-censorship applies to the full range of contemporary media. Prior inspection of films and video recordings for public screening is, however, permitted. The offences referred to in the Freedom of the Press Ordinance as offences against freedom of the press are to be regarded as offences against freedom of expression if they are committed in a medium coming under the Freedom of Expression Constitutional Law and are punishable by law.

4. Access to suitable information (art. 17)

279. The media in Sweden are independent of the State and may freely engage in news reporting, criticism and opinion formation. Accordingly, they play an important part in the democratic process.

280. The Radio and Television Act lays down that transmission permits issued by the Government may be combined with conditions to the effect that the right of transmission is to be exercised impartially and objectively and with due regard for the extensive freedom of expression and freedom of information which are to prevail in radio and television broadcasting. The transmission permits issued by the Government to the public service corporations Sveriges Television and Sveriges Radio require these companies to devote extra attention to programmes for and with children and young persons. Programmes for and with children and young persons are to convey news and information as well as cultural and artistic experiences. The companies are also to make special allowance for the linguistic needs of children belonging to linguistic or ethnic minorities.

281. In addition, programmes are to be designed in such away that, through their availability and versatility, they will make reasonable provision for the varying needs and interests of the national population. The interests of minor groups are also to be provided for as far as possible at times when a large part of the population have the possibility of seeing the programmes.

282. The overall programme output of all public service companies shall be designed in such a way as to provide scope for a diversity of opinions and persuasions and so as to cater to different circumstances within the population. Sveriges Television shall make reasonable provision for differing interests with regard, for example, to religion, culture and science. Furthermore, the public service companies shall provide programmes reflecting the multicultural side of Sweden. Programme output also shall reflect the different cultural groups in Sweden. The public service companies shall also expressly consider the needs of linguistic and ethnic minorities. Saami (Lappish), Finnish and Tornadalen Finnish shall occupy a special position.

283. In addition to Sveriges Television, the channel TV4 has a permit for ground-based television transmissions. The terms of this permit require TV4 also to provide programmes intended for children under 12. The permit also indicates the minimum number of hours per week for which children's programmes are to be transmitted.

284. In the film sector there are no statutory provisions corresponding to article 17 (a), but national film policy can still be said to be in harmony with this provision. The State grants paid towards film culture initiatives among children and young persons are aimed at augmenting children's opportunities of seeing films at the cinema and taking part in media education. State funding is also provided towards the distribution and screening of quality films for children and young persons.

285. In the literary field, special provisions are contained in the State Support for Literature Ordinance, governing State funding support for book publishing. Thus there are special supportive faculties, for example, for the

publication of literature for children and young persons and of cartoon strips for children and young persons. The ultimate purpose of funding support for literature is to assure the individual citizen of a wide range of quality book publishing which will provide opportunities for the advancement of knowledge and cultural experience.

286. As regards point (b), it can be noted that Sweden endeavours in various ways to encourage international cooperation in the production, exchange and dissemination of material from a diversity of cultural, national and international sources.

287. Also in the literary field, international cooperation is encouraged in that translations from foreign languages can qualify for support under the provisions of the above-mentioned State Support for Literature Ordinance. Special support is also provided for the translation of Swedish literature into the main European languages.

288. As regards the provisions of point (c), reference can be made to the State Support for Literature Ordinance and the above-mentioned supportive faculties concerning literature for children and young persons and cartoon strips for children and young persons.

289. There are a number of provisions relevant to point (e). The Radio and Television Broadcasting Act lays down, among other things, that allowance is to be made for the special impact of sound and television broadcasting with regard to the subjects and design of programmes and to transmission times. The Act also lays down that programmes with detailed depictions of violence of a realistic nature or programmes including pornographic images may not be broadcast on television at such a time and in such a way that there is a significant risk of children seeing the programmes, except where this is nevertheless justifiable for special reasons.

290. Rules concerning the depiction of violence are not, however, confined to television. The Freedom of Expression Constitutional Law which came into force in 1992 made unlawful depictions of violence an offence against freedom of expression. At the same time rules were introduced requiring every film and video recording to have a legal publisher.

291. Censorship is forbidden by the Swedish Constitution, but with one important exception. Public screenings of film have been subject to prior inspection since 1911. Every film and, nowadays, every video film for public screening has to be inspected beforehand. Otherwise the main rule is that any inspections are to be carried out after the event.

292. Another task of censorship is to decide the age limit for films, so as to prevent children suffering psychological injury. Children are divided into three age groups: under 7, aged between 7 and 11 and between 11 and 15. A film is not to be passed if it is capable of causing psychological injury to children in the age group concerned.

293. Most video viewing takes place in the home and not in connection with public screening. Films for domestic viewing do not need to be inspected beforehand. This, however, does not mean that anything can be shown. The

publisher of a film or video film containing detailed or prolonged gross violence or sexual violence or coercion can be fined or sent to prison for up to two years for unlawful depiction of violence. In the absence of a publisher, the person distributing the film can be punished.

294. Under the Penal Code it is also forbidden to supply children with a video film containing detailed descriptions of realistic violence. Thus, the violence need not be as gross as in the case of unlawful depiction of violence: it is sufficient for the depictions of violence to be realistic. A person supplying a video film of this kind, commercially or for profit, to a person under 15 years of age can be fined or imprisoned for up to six months, and in certain cases he can be convicted even if he was not aware of the content of the video film or that the person obtaining the film was under 15.

295. The EC TV directive has applied in Sweden since the European Economic Area (EEA) Agreement came into force on 1 January 1994, and a revised version was adopted recently. The preamble lays down that a television transmission may be received in all States parties if it is lawful in the country from which it emanates. The main purpose of the directive is to facilitate the reception by European citizens of each other's television programmes, not to try to stop the transmissions.

296. Article 22 of the directive deals with the protection of minors. This article requires the States parties to take suitable measures to ensure that television transmissions do not contain programmes which can seriously harm the physical, mental or moral development of minors, especially programmes containing pornography or meaningless violence. The legislation of each State party shall make allowance for minors also with regard to other programmes if they can be presumed harmful in the same way. In addition, Sweden is working for a more restrictive view within the EU on the question of advertising addressed to children. It should be mentioned that the European Commission is to carry out a study of the impact of television advertising on children. The Swedish prohibition came as a result of such a study.

297. The European Broadcasting Union has adopted guidelines for member corporations concerning depictions of violence in television programmes. The BBC and Sveriges Television, for example, were involved in the drafting of these guidelines.

298. Topics of discussion at the Council of Europe Conference of Media Ministers in Prague in December 1994 included depictions of violence in pictorial media, and the ministers agreed that guidelines were needed at the European level. A working group was appointed to draft possible guidelines. Sweden is taking part in this work, and a recommendation is expected this autumn.

299. The Council against Harmful Depictions of Violence was set up in 1990. Its main task is to coordinate official measures against harmful depictions of violence. The Council also cooperates with various organizations and with enterprise. It observes research in Sweden and other countries and commissions research of its own. The Commission encourages and supports

associations and others concerning themselves with aspects of depictions of violence. The Council also works for the advancement of media knowledge in schools.

300. As mentioned earlier, the Freedom of Expression Constitutional Law contains rules on penal and civil liability for the contents of radio and television programmes, films and video programmes, sound recordings, etc.

301. Swedish media have a considerable amount of information and material of social and cultural value to children. As mentioned earlier, the State encourages this through supportive arrangements for books, periodicals, theatre, film, sound recordings, etc. Sweden's public service radio and television broadcast programmes for children and have extensive educational activities for children.

302. Otherwise, the provisions of the Freedom of Expression Constitutional Law and the Freedom of the Press Ordinance apply, and among other things these provide scope for the current legislation forbidding child pornography. Further to this, see the section headed "Sexual exploitation and sexual abuse".

303. Comprehensive immigrant language services are provided within the Sveriges Radio group, as regards both news broadcasts, cultural programmes and programmes for children. During 1992, Riksradion broadcast in the following non-Nordic languages: Serbo-Croatian, Farsi, Spanish, Polish, Turkish and Greek. Sveriges Television broadcast programmes in Serbo-Croatian, Turkish and Greek.

304. Community radio has opened up possibilities for NGOs to transmit local radio programmes of their own. A large number of immigrant associations practically everywhere in the country avail themselves of this opportunity for communicating with their compatriots in the mother tongue by community radio.

5. Freedom of thought, conscience and religion (art. 14)

305. The provisions concerning the right of the child to freedom of thought, conscience and religion refer to rights which in Sweden are guaranteed to every citizen through the provisions of the Constitution Act on Freedom of Expression and Religion, and through the Religious Liberty Act.

306. Under the main rule of the Religious Liberty Act, children born in wedlock become members of the Church of Sweden by birth if both parents are themselves members or if one parent is a member and notice is not given within a certain time that the child will not belong to the Church. Children born out of wedlock become members of the Church of Sweden by birth if the mother is a member. If the parents marry each other before the child is 12 years old and one of them belongs to the Church of Sweden, then, failing special notification to the contrary, the child becomes a member of the Church at the marriage. Under the same Act, notice of entry into or withdrawal from the Church of Sweden is given by the custodian. If the child is aged 15 or over, its consent is required.

307. It has been asked whether a child who has reached the age of 15 shall not be deemed sufficiently mature to be entitled to apply for admission or withdrawal on his or her own behalf. The Ecclesiastical Commission recently appointed by the Government is, among other things, required by its terms of reference to review the rules governing membership of the Church of Sweden. The Commission has been instructed to frame proposals concerning rules on membership of the Church of Sweden such that the provisions of the Constitution Act concerning civil rights and liberties will be provided for.

308. In its report Supervised Transition (SOU 1996: 111), the Age Limits Commission recommends that the present 15-year-age limit for consent under the Ecclesiastical Act be reduced to 12 years. A government commission appointed to review the question of Church and State has in its report (SOU 1997: 41) proposed the same kind of legislative change as the Age Limits Commission. In its report it recommends, among other things, that the following amendments be enacted with effect from 1 January 2000:

(a) That children aged 12 or over be given a veto concerning entry into and withdrawal from a religious denomination;

(b) That children aged 12 or over be able on their own initiative to join or withdraw from a religious denomination if the custodian consents;

(c) That the same rules be made to apply to all religious denominations.

309. The new curricula (Lpo 94 and Lpf 94) lay down that teaching in schools shall be non-confessional. Teaching is to be objective and comprehensive. It is emphasized that all parents must be able with equal confidence to send their children to school, in the assurance that the children will not be influenced in favour of one or another set of beliefs.

310. The purpose of religious education as a teaching subject is to increase pupils' knowledge of religions and beliefs and to enable them to process their own reflections and questions on existential and ethical problems.

311. The teaching shall promote an open discussion of questions concerning belief and attitudes to life, and shall help to ensure that encounters with people from different traditions and cultures are attended by a respect for each other's individuality. Knowledge of Christian belief and of the ethics administered by the Christian tradition is included in teaching, so that the pupils will be able to assimilate and understand much of the content and expression of Swedish and Western art, music, literature, history and social development.

312. Through an amendment to the Education Act, effective from the 1997/98 school year, pupils can no longer be granted exemption from religious education lessons. In the government bill (Prop. 1995/96: 200) on which the amendment was based, the Government argued that it was an essential task of schools to develop pupils' understanding for other cultures, traditions and values. Schools would be deprived of important tools in the task of promoting tolerance and understanding in the multicultural society reflected by schools today if pupils with a different religious background from the majority were

not to take part in religious education lessons. It was therefore proposed that all pupils should take part in the teaching of religious education. A special opinion entertained by the pupil or in the pupil's domestic environment shall not be grounds for exemption from teaching based on the common values underlying the curriculum. The Government's proposals were passed by the Riksdag.

313. The Religious Liberty Act imposes certain restrictions on the liberty to practice one's religion. The Act assures each individual of liberty to practice his religion if by doing so he does not cause social disturbance or general annoyance. Public services of workship are not subject to any impediments other than those generally enacted for public meetings. Those rules are contained in the Public Order Act, which lays down that public meetings may not be held in public places without permission. Permission may only be refused if refusal is necessary out of consideration for order and safety or traffic or to prevent the spread of an epidemic.

314. Support for the child and youth organizations of religious denominations is paid out of the national budget. Grants mostly take the form of running grants.

315. The religious denominations play an important role where many refugees and immigrants are concerned. They contribute towards the continuity of identity development and can provide religious and social security, which can be very important in the country of exile. Supporting immigrant denominations, therefore, is an important task for Swedish immigrant policy.

316. Support to immigrant denominations is channelled through the national budget. Grants can take the form of running grants, facility grants and training grants. A total of SKr 67.7 million (US$ 12.3 million) was allocated for the 1991/92 fiscal year.

6. Freedom of association and freedom of peaceful assembly (art. 15)

317. Under the Constitution Act, every citizen is assured, in relation to the community, of freedom of association, freedom of peaceful assembly and freedom of demonstration. Freedom of association is defined as the freedom to join together with others for public or private purposes. Freedom of assembly refers to freedom to organize and attend meetings for information, expression of opinion or suchlike purposes or for the presentation of artistic works. Freedom of demonstration implies liberty to arrange and take part in demonstrations in public places.

318. Freedom of association, freedom of assembly and freedom of demonstration may be restricted by law, subject to the same general conditions as apply to restrictions of freedom of expression. These provisions are supplemented by further provisions indicating in greater detail the purposes for which restrictions may be imposed on these liberties. Freedom of assembly and demonstration may be restricted out of consideration for order and safety at the meeting or demonstration or for traffic. Otherwise, these freedoms may be restricted only out of consideration for national security or to counteract an epidemic. Freedom of association may be restricted only in the cases of

associations whose activities are of a military or suchlike nature or imply persecution of an ethnic group of a certain race, with a certain skin colour or of a certain ethnic origin.

319. The rules which, in keeping with these principles, restrict the exercise of freedom of assembly and demonstration are contained in the Public Order Act. The provisions which imply restrictions on the right of association are contained in the Penal Code (unlawful military activity). These provisions are prompted by considerations of public order and national security.

320. Many children and young persons in Sweden belong to associations of different kinds, and the child and youth organizations play an important part in Swedish society. The Swedish Government attaches importance to giving voluntary associations good opportunities for developing their work and reaching larger numbers of young persons.

321. State grants are paid annually towards central and local youth activities (the grant for the 1997 fiscal year totals upwards of SKr 100 million or US$ 13 million). The purpose of State support is to promote democratic education through the involvement of children and young persons in voluntary associations, and to contribute towards meaningful leisure for children and young persons. The support should therefore encourage a growth of local activity and the involvement in it of more participants.

322. State grants are also paid towards local youth activity in the sporting sector. The grant for the 1997 fiscal year is SKr 185 million (US$ 24 million).

323. The Government also distributes funding support from the State Inheritance Fund towards voluntary activities for the benefit of children and young persons and persons with functional impairment. A total of some SKr 100 million (US$ 13 million) is distributed annually towards activities for children and young persons.

7. Protection of privacy and the family (art. 16)

324. It is one of the fundamental principles of democracy and the rule of law that no person, whether child or adult, shall be subjected to interference of the kind referred to in article 16. The statement of objectives in the Constitution Act lays down that the community shall assure men and women of equal rights and shall safeguard the privacy and family life of the individual. The Constitution Act contains principles on safeguards against house searches and against inspection of confidential mail, etc. These rights can be restricted only by law, and any such restriction is subject to the same preconditions as were stated with reference to article 15.

325. The safeguards of which citizens are thus assured by the Constitution Act form the basis of the provisions regulating in greater detail the procedures amounting to interference in the private or family life of the individual. The protection which the article is intended to create exists, for example, in the rules of the Code of Judicial Procedure concerning house

search, and also in the rules of the Care of Young Persons (Special Provisions) Act and the Coercive Psychiatric Care Act concerning interference with the legal sphere of the individual.

326. If a person is suspected of a criminal offence before the age of 15, the Care of Young Offenders (Special Provisions) Act requires special reasons in order for a house search and seizure under the rules of the Code of Judicial Procedure to be undertaken against the young person concerned.

327. The article is primarily concerned with the relation between the State and the individual child. In keeping with the principles governing relations between custodian and child, children are entitled to a progressively stronger protection of their privacy as they grow older, even in relation to their custodians. In the individual instance, a balance has to be struck between respect for the child's privacy and the custodian's duty to assume responsibility for the child.

328. As regards relations between the child and the custodian, there is cause in this connection to mention a provision of the Secrecy Act whereby confidentiality for the protection of a minor also applies in relation to the custodian and may not be waived if the minor would presumably suffer considerable detriment as a result of the information being divulged to the custodian.

8. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37 (a))

329. Capital punishment is prohibited in Sweden by a provision of the Constitution Act. It also follows from an express provision of the Penal Code that no person may be sentenced to life imprisonment for a crime which he committed before the age of 21. Furthermore, under the Constitution Act every citizen is safeguarded against corporal punishment, torture and medical interference with a view to extracting or preventing statements. In relation to the community, every citizen is protected against enforced physical interference in certain other cases as well. Acts amounting to torture and suchlike come, in all essential respects, within the concept of assault in the Penal Code.

E. Family environment and alternative care

1. Parental guidance (art. 5)

330. The aim of the Government's policy in the child and youth sector is for all children and young persons to be allowed to grow up in secure and good conditions. The main responsibility for care and upbringing devolves on the family. One of the most important tasks for the future, as the Swedish Government sees it, is to improve the prospects for secure families and for children's upbringing and care in modern Swedish society. The measures taken by society are to be viewed as a supplement to care and upbringing in the home and shall be based on close cooperation with parents.

331. As mentioned previously, the Government's family policy is aimed at giving the parents of young children greater freedom of choice in devoting

more time to their children and at achieving greater fairness between all the different parts of the country. Free establishment and free utilization of different forms of child care apply. Parents now have a free choice of schools for their children, both within the municipal school system and as between municipal and independent schools.

332. The principle expressed by the article agrees with the above-quoted provision of the Code of Parenthood and Guardianship, whereby it is the right and duty of the custodian (normally both parents or one of them) to decide questions relating to the child's personal affairs. It is particularly emphasized that, parallel to the child's increasing age and development, the custodian shall make progressively greater allowance for the child's viewpoints and wishes. Custodians and their responsibilities are also considered under the section dealing with parental responsibilities.

333. As custodians, the parents decide how the child is to be occupied. Parental powers of determination, however, are limited, since all children in Sweden have to attend school. The child personally enters into a contract of employment, but the contract must be consented to by the custodian. The child can always repudiate the agreement itself. The child may dispose of his or her own earnings after attaining the age of 16.

334. The principles applying under Swedish social welfare legislation also agree closely with the provision of article 5. Social services must show consideration for the self-determination and integrity of the individual. In its care of children and young persons, the social welfare committee, acting partly in close cooperation with their homes must promote all-round personal development and a favourable physical and social development among children and young persons.

335. It is essential for parents to be supported in their parenthood. Parental training is one way in which the community support parents. Its purpose in Sweden is both to equip the parents with knowledge and to give them opportunities to meet, compare notes and construct social networks.

336. Within the framework of MCH (maternal and child health care), most parents are offered parental education in connection with pregnancy and childbirth. The aim of parental education is to provide increased knowledge, create an opportunity for contact and social experience and to create an opportunity for influencing social conditions. When parental education was introduced, just over 15 years ago, psychologists were engaged, mainly as instructors. They reinforce the psychological competence of child health care services and provide links with child psychiatry. Personnel from other sectors of society can also take part in parental education, e.g. dentists, lawyers and case workers from the social services. In this training, questions concerning the care and upbringing of children are discussed, but also aspects of parenthood and couple relations.

337. Parents can also discuss problems of child education and suchlike with the staff when they visit child care centres. In addition, child care services include a certain amount of parental activity in which parents can discuss current problems with the staff and each other. During pregnancy, most parents are offered group activities in which, primarily, they are

informed about the process of pregnancy and about childbirth. In addition, scope is often provided for discussing the new family situation and for preparing the couple for parenthood.

338. Parents of toddlers have the opportunity to join parent groups at child health care centres. These activities are above all concerned with conveying knowledge of the development and needs of the very young child. These groups, based usually in the local area, are also a good starting point for social networks.

339. Some parents need more support than can be provided through ordinary group activities, in which case individual supportive arrangements have to be developed for them by child health care and social services.

340. Certain children also need extra support, e.g. in the form of additional instruction for their parents. This applies, for example, to children with functional impairment and immigrant children.

341. Special efforts are being made in Sweden to increase the involvement of fathers in parental education. These have included a successful experimental scheme of special groups for fathers.

342. a special commission is now working to develop parental education activities in Sweden. Personnel training and production of materials are among the questions to be addressed by it. Another very important question concerns the way in which support for parents of teenage children is to be developed.

343. In this connection, mention should also be made of mother-and-toddler groups ("open pre-school" in Swedish). This is a free and voluntary form of pre-school education, within municipal child care services, for children who have not started school and have remained at home or attend family day care. As the name implies, children may only attend in the company of an adult. "Open pre-school" has a special task in the context of municipal child care, in that its activities target parents working at home and municipally employed childminders. These activities provide a point of contact for parents working at home and are places where social networks are created. Children can play with other children and take part in educational activities. The arrangement also provides an introduction to other forms of child care.

344. Parental activities in child care and school are concerned only to a limited extent with instructing parents. Their main purpose is to achieve cooperation between child care/school and the child's family. Parents also need to know about the workings of child care/school.

345. Within the social services too, preventive and outreach activities are conducted with the aim of supporting parents in their parenting. The municipality is also required to ensure that parents can be offered interviews under expert guidance with a view to reaching agreement on matters of custody and access ("cooperation talks"). These "cooperation talks" have proved to be a useful instrument for the resolution of custody and access disputes. Parents can make use of them, for example, in connection with a separation. In custody and access proceedings, the court can instruct the municipal social

welfare committee or some other body, in the interests of the child, to arrange talks with a view to brokering an agreement between the parents.

2. Parental responsibilities (art. 18, paras. 1-2)

346. The rules of the Code of Parenthood and Guardianship are based on the principle laid down in article 18.1, namely that both parents have common responsibilities for the upbringing and development of the child. As has already been mentioned with reference to article 7, a child, from its birth, is in the custody of both parents if they are married to each other. Otherwise the mother has sole custody. If the parents marry each other subsequently, they acquire joint custody of the child. Parents who are not married to each other can also, subject to certain conditions, have joint custody of the child through registration with the tax authority. If the parents divorce, the child remains in the custody of both of them unless joint custody is dissolved under certain provisions of the Code of Parenthood and Guardianship.

347. If a parent is deficient in his/her care of the child in a manner which implies permanent danger to the child's health and development, the court must deprive the negligent parent of custody. If a child has been permanently cared for and brought up in a "family home", i.e. a private home other than its parental home, and if it is obviously in the child's best interests for the current arrangement to continue and for custody to be transferred to the person or persons who have received the child, or to one of them, the court shall appoint that or those persons to have custody of the child as specially appointed custodians. Special rules concerning the appointment of custodians also apply in the event of one or both parents dying. If both parents have custody of the child and one of them dies, the survivor automatically acquires sole custody. If the child is in the custody of one parent only and that parent dies, the court shall award custody to the other parent or, if it is more suitable to do so, to one or two specially appointed custodians.

348. Under the Code of Parenthood and Guardianship, a person having custody of a child is responsible for the child's personal circumstances and shall ensure that the child's need of care, security and a good upbringing is provided for. The custodian is also responsible for the child receiving the supervision needed according to its age, development and other circumstances, and shall ensure that the child is adequately provided for and educated. In order to prevent the child causing harm to any other person, the custodian shall be responsible for the child being kept under supervision or for other suitable measures being taken. In addition, the custodian is responsible for the child's need of access to a non-custodial parent or to some other person particularly close to the child being provided for as far as is possible. Failing special reasons to the contrary, it is also the duty of the custodian to furnish such particulars concerning the child as can facilitate access. It is the right and duty of the custodian to determine questions relating to the child's personal circumstances, but, parallel to the child's advancing age and development, the custodian shall make increasing allowance for the child's personal viewpoints and wishes. If the child is in the custody of two custodians, they exercise their rights and obligations jointly.

349. Legislation on custody and access has been based on the principle that the best thing for the child is for the parents to be able to agree between themselves. The rules are intended to pave the way for consensus solutions to the greatest possible extent. The municipality shall ensure that parents can be offered interviews under expert guidance with a view to achieving agreement in matters of custody and access ("cooperation talks"). In custody or access proceedings, the court may instruct the social welfare committee or some other body, in the interests of the child, to arrange talks of this kind. The question of joint custody can arise, not only if the parents agree on it but also if neither of them objects to such a solution. In cases where joint custody still does not materialize and custody is to be awarded to one parent only, the court shall decide the question of custody according to what is best for the child. In doing so, the court shall consider which parent can best provide for the child's needs as indicated in connection with the account given concerning article 3. In making its decision, the court shall attach particular importance to the child's need for a close and good relationship with both parents. That rule comes into play, for example, in connection with obstruction of access.

350. Virtually all children under the age of 18 (99 per cent) live with at least one parent, and the great majority of these (78 per cent) live with both parents. Most of the children not living together with both parents live with a single mother or father in a reconstructed family, i.e. with one parent and that parent's new partner. A small proportion of children (0.5 per cent) are placed in family homes by the municipal social welfare committee.

351. The commonest practice today is for the parents to retain joint custody of their children even after a divorce. Joint custody continues in 82 per cent of such cases. In about 17 per cent the mother becomes sole custodian, and in about 1 per cent the father does so. The corresponding figures in 1989 were 76 per cent, 22 per cent and 2 per cent. Despite the increase of joint custody arrangements in divorce cases, 91 per cent of the children live with their mothers (SCB, Vårdnad och underhåll, 1992).

352. Joint custody is also a common arrangement among unmarried parents. In cases where paternity is established by acknowledgement and the parents live together, notice of joint custody is given for 90 per cent of the children. In other cases where paternity is established after acknowledgement, notice of joint custody is given for 45 per cent of the children. The extent to which joint custody of children is notified varies from one municipality to another (Statistik - socialtjänst 1996:2).

353. Separated parents and their children live, in the majority of cases, quite close together. Increasing numbers of children are meeting the separated parent who has moved out of the home. The number of children having absolutely no contact with the non-custodial parent is steadily declining. Nine per cent of children have no contact with the non-custodial parent, 8 per cent live with the separated parent for about half the time (on an alternating basis), 24 per cent of the children meet the other separated parent every week and 22 per cent meet the other separated parent every fortnight (SOU 1995:26 and Ds 1996:57).

354. Questions of custody and access have been addressed by the Custodial Disputes Commission (SOU 1995:79), the Maintenance Allowances and Maintenance Advances Commission -93 (UBU -93) and the Government's so-called "Dads' Group". The Custodial Disputes Commission has recommended that courts be empowered to refuse dissolution of joint custody or to order such custody even if one of the parents objects to it. This, however, will be conditional on joint custody being best for the child. In connection with this proposal, the Commission has recommended that courts be empowered, in the context of joint custody, to decide which parent the child is to live with and to decide matters of access. The Commission has further proposed that both parents be made responsible for maximum provision being made for the child's need for access to a parent not living with the child, and that the child's right of access be emphasized in the law. UBU -93 has proposed a rule whereby the parents are to share the travel expenses often entailed by the child having access to a parent living in a different area from the child, the purpose being to facilitate economically the child's contact with the separated parent. The Dads' Group has recommended that unmarried parents automatically acquire joint custody of the child when paternity is established. These proposals have been circulated for comment and are being processed within the Ministry of Justice. The aim is for a bill to be put before the Riksdag in the autumn of 1997.

355. If a child has been placed in public care, de facto custody devolves on the municipal social welfare committee. Legal custody remains with the parents.

356. In connection with the provisions of paragraph 2, concerning the duty of rendering assistance to parents and legal guardians in the performance of their child-rearing responsibilities, it should be mentioned that the Social Services Act contains provisions on the entitlement of children and custodians to support and assistance from the municipal social welfare committee.

357. To satisfy the needs of members of the community for economic security in connection with illness, work injury, rehabilitation and functional impairment, a system of social insurance has been built up in Sweden. This is a general system which includes the entire population. Most of it comes under the National Insurance Act. Social insurance is primarily funded through social security contributions and out of the national budget. Under the National Insurance Act, universal insurance includes, among other things, health insurance.

358. Swedish parental insurance is an integral part of the social insurance system, as regards both funding and administration.

359. Under the National Insurance Act, a woman is entitled to pregnancy benefit if her pregnancy has reduced her working capacity by at least a quarter and she cannot be transferred to other, less strenuous work, or if she is prevented by provisions of the Work Environment Act from doing her ordinary job and cannot be transferred to other, less hazardous work. Pregnancy benefit is paid, at the earliest, from 60 days before the anticipated confinement date and, at most, up to and including the eleventh day before that date, i.e. for a maximum of 50 days. The amount of pregnancy benefit

corresponds to the woman's sickness allowance. Under the social insurance system, sickness allowance corresponds to lost earnings, with a certain reduction.

360. Parental insurance is based on the principle of custodial responsibility being shared between the parents. The Child Care (Leave of Absence) Act and the National Insurance Act give gainfully employed parents in Sweden good opportunities to take time off to look after their children. This right can be exercised by both parents. An insured parent who is enrolled with a public social insurance office is entitled to parent's allowance and temporary parent's allowance. Parent's allowance, which is payable for up to 450 days, is the name for the benefit which a parent receives in connection with the birth or adoption of a child. For 360 out of these 450 benefit days, parent's allowance is paid, at the same rate as sickness allowance, to the parent staying at home to look after the child, subject to a minimum benefit rate of SKr 60 per day, known as the "guarantee amount". This is the amount payable for the last 90 days of the benefit period. In the event of a multiple birth, parent's allowance is paid for an additional 180 days per additional child, i.e. 90 days at a rate corresponding to sickness allowance and 90 days at the guaranteed rate. Parents can choose between drawing parent's allowance for a full day, three quarters of a day, half a day or a quarter of a day. Parent's allowance is paid, at most, until the child is eight years old or has completed its first year of school. If the parents have joint custody of the child, each of them is entitled to half the benefit period. One parent can, however, transfer all but 30 benefit days to the other parent.

361. A parent needing to refrain from gainful employment in order to look after a child under the age of 12 is entitled in certain situations to temporary parent's allowance for up to 60 days (120 in certain cases) per child and year. In cases of special need, temporary parent's allowance is also payable for children aged between 12 and 16 and, for children with extensive functional impairment, right up to the age of 23. The benefit rate is the same as for sickness allowance.

362. Temporary parent's allowance can be paid in connection with illness affecting, say, the child or its normal carer and when a parent needs to accompany the child to a child-care centre, etc. If the child has major functional impairments, temporary parent's allowance can also be paid, for example, for attending a course concerning care for the child, etc.

363. In certain cases a parent may transfer entitlement to temporary parent's allowance to another person who looks after the child in the parent's stead.

364. In addition, the father is entitled to temporary parent's allowance in connection with the birth or adoption of a child. The number of such benefit days is 10 for each child born or adopted.

365. Under the temporary parent's allowance arrangement, parents of children with severe functional impairment are entitled (as from 1 January 1994) to 10 special days ("contact days") annually, over and above the benefits which have already been mentioned. These days are intended, among other things, for visits to and contact with the children's everyday surroundings, e.g. child care and school.

366. Rights of unpaid leave can be exercised by both parents. A right of this kind exists until the child is 18 months old. A parent is also entitled to reduce his or her working hours to three quarters until the child is eight years old or has completed its first year of school. It is essential that parents exercising their right to leave of absence for child care should not be treated unfavourably at the workplace, and a rule therefore exists which prohibits transfers to other duties on this account.

367. An insured parent is entitled to a caring allowance for the care of a child under 16 if, by reason of illness, intellectual handicap or some other functional impairment, the child is in need of special supervision and care for at least six months.

368. As regards the duty of the State to ensure the development of institutions, facilities and services for the care of children, reference is made to the account relating to articles 5, 6, 9, 20 and 24.

3. Separation from parents (art. 9)

369. In Sweden it is primarily the parents who are responsible for the child's basic needs. On the other hand, society has indicated that all children shall obtain provision for their basic rights and needs. This being so, it is the duty of society to intervene in cases where the child's basic rights are violated. Overarching provisions on the responsibilities of social services in relation to children and young persons are contained in the Social Services Act. The municipal social welfare committee shall work to ensure that children and young persons grow up under secure conditions. Furthermore, the committee shall, among other things, devote special attention to observing the development of children and young persons who have shown signs of unfavourable development and, in close cooperation with homes, ensure that children and young persons in danger of developing unfavourably receive the protection and support they need and, if consideration of the young person's best interests so demands, care and upbringing away from home.

370. Measures by the social services for children and young persons are in the first instance to be taken in agreement with the parents (custodians) and the child itself if the child is 15 or above. One important principle is to try as far as possible to support the parents in their parenthood through various forms of support in difficult situations. In recent years the municipalities have developed various forms of non-institutional care in the child's immediate surroundings, as a means of offering various treatment alternatives.

371. In the past two years, an experimental scheme of family conferences has been conducted, with funding support from the Ministry of Health and Social Affairs. This method has attracted a great deal of interest. Family conferences are a way for families and their networks to discuss and suggest measures for the children within the family. The aim is for the family itself to arrive at good, viable decisions as to how their children are to be educated and brought up. The plan has to be approved by the social services, which then have the role of supporting and helping the family to put the plan into effect. The experimental scheme is being evaluated with support from the National Board of Health and Welfare.

372. In certain cases the social welfare committee can provide support by appointing a contact person or family which can provide a child or family with personal support. Placements can, in certain cases and with parental consent, be made away from home. Some 4,500 children are placed in this way every year.

373. If agreement cannot be reached, the social welfare authorities can still intervene, under certain conditions, with a care order. These exceptions to the voluntary principle are governed by the Care of Young Persons (Special Provisions) Act. A person under 18 can, under certain conditions, be coercively cared for if there is a presumption that the necessary care cannot be given to the young person with the consent of the person or persons having custody or, if the young person is 15 or above, by the youngster himself or herself. Care orders under the Care of Young Persons (Special Provisions) Act are made by a court and can be appealed. An order of this kind can be made if, due to assault, improper exploitation, efficiencies of care or some other condition in the home, there is a palpable risk of the young person's health or development being harmed. A care order can also be made if the young person exposes his health or development to a palpable risk of harm through abuse of addictive substances, criminal activity or some other socially destructive behaviour. Thus, as an ultimate consequence of social service responsibilities, the municipal social welfare committee can place children in a family home (a private home which, on behalf of the social welfare committee, receives children for permanent care and upbringing) or a home for care or residence (institutions or professionally run homes within the social services which receive individuals for care, treatment, nursing or supervision combined with residential accommodation).

374. During 1995 about 900 children were placed in coercive care. At 31 December 1995 there were about 10,500 children placed in care away from home, including about 3,700 under the Care of Young Persons (Special Provisions) Act.

375. Under the provisions of the Code of Parenthood and Guardianship, one or both parents can be deprived of custody through the transfer of custody to one or two specially appointed custodians. A measure of this kind can, at the instance of a municipal social welfare committee, be ordered by a court if a parent, in exercising custody of his or her child, has been guilty of abuse or neglect or has otherwise defaulted in his or her care of the child in a way which entails lasting danger to the child's health or development. If, however, the child is in the custody of one parent only, custody must primarily be transferred to the other parent. A measure as radical as the transfer of custody must be necessarily in the child's best interests. Very few such transfers of custody actually occur.

376. The custody of a child permanently cared for and brought up in a private home other than its parental home, i.e. a family home, can also be transferred to the person or persons who have received the child if it is obviously in the best interests of the child for this arrangement to continue and for custody to be transferred. Custody transfers of this kind are also few in number.

377. As the Aliens Act now stands, children under 16 may be taken into custody only when there are exceptionally strong reasons for doing so. A

child under the age of 16 may be taken into custody only if it is probable that the child will be refused entry or expelled under certain specified provisions or if the question arises of enforcing a refusal of entry or expulsion order and there is a manifest risk of the child otherwise going into hiding and thereby jeopardizing an imminent enforcement which should not be delayed, or if there is reason to suppose that the child will otherwise engage in criminal activity in Sweden (chapter 6, section 3, of the Aliens Act).

378. A person under the age of 16 may not be taken into custody if it is sufficient for him to be placed under supervision. If a child under 16 should come to be separated from its custodian or, if there is more than one, from the custodian as a result of the latter or the child being taken into custody, this measure may only be taken if there are exceptional reasons for it. The Government has introduced a bill proposing harmonization with the Convention through an amendment to the Aliens Act whereby, for example, the child of an asylum seeker may only be taken into custody together with its custodian and for a limited period.

379. The provision of article 9, paragraph 2, concerning the right of an interested party to participate in the proceedings is provided for, for example, through the rules of handling procedure in the Code of Parenthood and Guardianship, the Code of Judicial Procedure and the Administrative Litigation Act, and also through the provisions of the Care of Young Persons (Special Provisions) Act concerning the right to verbal proceedings. As from 1 January 1998, the Social Services Act will include a rule to the effect that a person affected by a child-care investigation shall be notified of the opening of the investigation, and also a rule laying down that if the individual considers any of the particulars in the documentation to be incorrect, a note shall be made to this effect.

380. A care order under the Care of Young Persons (Special Provisions) Act is in several cases preceded by a temporary order for the child's immediate placement in care. Considered in isolation, the arrangement connected with such placement in care does not as a rule meet the requirements of this paragraph. This kind of placement in care, however, should not be viewed in isolation but as a preparatory stage of a decision-making procedure in the matter of care.

381. As regards the provisions of article 9, paragraphs 3 and 4, concerning opportunities for contact between children and separated parents, reference can be made to the rules of the Code of Parenthood and Guardianship and the Care of Young Persons (Special Provisions) Act. The Code of Parenthood and Guardianship makes the custodian responsible for the greatest possible provision being made for the child's need of access to a non-custodial parent or to any other person especially close to the child.

382. One basic idea with regard to children placed in care away from home is that the care must not continue for longer than is necessary. In order for reunification to become possible, there must be close and regular contact between the child and its parents. In the case of a child who is a subject of care under the Care of Young Persons (Special Provisions) Act, the municipal social welfare committee is responsible for the greatest possible provision being made for the child's need of access, e.g. to its parents. Decisions

concerning the restriction of contact between child and parents can be appealed in court. In addition, the Social Services Act lays down that the care of children away from home should be designed so as to promote ties with next of kin and contact with the home environment. This provision also applies to children who have been separated from their parents against their wishes and to refugee children coming to Sweden without their next of kin.

383. As regards the child's right to know the whereabouts of the absent member(s) of the family, Swedish law includes secrecy provisions which, under certain conditions, preclude such information. A parent who is in prison, for example, can decide personally whether his or her whereabouts are to be made known to the child.

4. Family reunification (art. 10)

384. The legal foundations of the official processing of residence permit applications by foreign citizens with family connections in Sweden are set forth in the Aliens Act. Under the provisions of that Act, a residence permit may, for example, be awarded to an alien who is under the age of 18 and unmarried and is or has been living at home as the child of a person domiciled in Sweden or awarded a residence permit for settling in Sweden, and to an alien who in some other way is closely related to a person who is domiciled in Sweden or has been awarded a residence permit for settling here and who belonged to the same household as that person.

385. Parents and children can also be awarded residence permits as visitors.

386. There is, however, no unlimited entitlement to a residence permit on the above specified grounds. In their assessment of an application, the authorities shall consider whether the alien can be expected to lead a respectable life. Unambiguously established misconduct can be taken into account, as well as binding judgements. In such cases, however, a person who would have obtained a permanent residence permit under the main rule can be granted a permit for a limited period if, having regard to his or her anticipated way of life, it is doubtful whether a residence permit should be granted.

387. The Child Committee has criticized the handling of residence permit applications by the authorities, above all on account of the long processing time and what critics consider to be exacting requirements for the presentation of identity documents. It has also been asserted that the requirements concerning "respectable" living are too high.

388. Residence permit applications with a view to family reunification concern either children wishing to be reunited with their parents in Sweden or parents wishing to be reunited with their children in Sweden. The problems occurring in these situations are primarily connected not with the provisions of the Aliens Act, but with the kinship relation often being difficult to establish. However, the central aliens authority (the National Immigration Board) professes to be flexible as regards the requirement of substantiated kinship. Out of consideration for the child, and bearing in mind that an application must be treated positively, humanely and expeditiously, it is often sufficient that there is probable cause for supposing the statement of

kinship relation to be correct. Out of consideration for the best interest of the child, however, the Board feels that the evidential requirements cannot be too low. Current practice, however, means that children can sometimes be granted Swedish residence permits when the wrong persons have been designated as their parents. This can, of course, have adverse consequences for the child. Where applications by parents are concerned, the basic principle is for the child to be reunited with its parents in the country where the parents are living. In certain cases, however, the parents still have to be given permission to settle in Sweden which, as a rule, of course, is the case if it has been found that the child is in need of protection in Sweden.

389. Most applications by children are treated as asylum applications, but it happens not infrequently that a child has been sent to Sweden in order, after obtaining a residence permit, to serve as a personal connection for the rest of the family. The great majority of minors applying for residence permits recently and unaccompanied by custodians have had no need of protection from conditions prevailing in their country of origin. It is axiomatic, however, for every allegation of risk of persecution or other circumstances generating a need for protection in Sweden to be carefully investigated. If no need of protection can be deemed to exist, the basic principle, as already stated, is for the child to be reunited with its parents or custodian where they are living.

390. In the matter of tracing parents, the National Immigration Board cooperates with UNHCR, the Swedish Save the Children Federation, the Social Mission and, above all, the Red Cross.

391. Finally, it can be mentioned that every Swedish citizen has a constitutional right to enter, reside in and leave Sweden. The right of foreign citizens to leave Sweden is subject only to the restrictions which can be deemed to agree with the Convention.

5. Recovery of maintenance for the child (art. 27, para. 4)

392. Concerning article 27, paragraph 4, reference can be made to the provisions of the Maintenance Support Act. This came into force on 1 February 1997, superseding, for example, the (simultaneously repealed) Maintenance Advances Act. In cases where the child does not receive any maintenance, or only a small amount, from a parent from whom maintenance is due, the social insurance office pays the child an allowance (maintenance support). Subsequently, in accordance with special rules, the social insurance office demands full or partial reimbursement from the maintenance debtor. A more detailed account of maintenance support is given with reference to article 27, paragraphs 1-3. The social insurance offices no longer assist with the recovery of maintenance exceeding the maintenance support rate.

393. In addition to a Nordic convention in this field, Sweden has acceded to the 1956 New York Convention on the Recovery Abroad of Maintenance and the Hague Conventions of 1958 and 1973 on the Recognition and Enforcement of Decisions relating to Maintenance Obligations to Children. Sweden has also been participating, since 1 September 1988, in reciprocity arrangements for the recovery of maintenance with the State of California. As from 1 May 1991,

this cooperation has been expanded to include most of the states in the United States of America. A similar arrangement has existed with Australia since 1 April 1989. Discussions concerning similar reciprocity arrangements are in progress with Canada. On 1 January 1991, Sweden acceded to the 1988 Lugano Convention on jurisdiction and the enforcement of judgements in civil and commercial matters. That convention, which is open primarily to the member countries of the European Union and the European Free Trade Association, contains provisions on the enforcement of judgements concerning, among other things, maintenance. As a consequence of its EU membership, Sweden will also be acceding to the 1968 Brussels Convention on jurisdiction and the enforcement of judgements in civil and commercial matters. That convention is open to member States of the EU only and is a parallel to the Lugano Convention.

6. Children deprived of a family environment (art. 20)

394. The Social Services Act lays down that the municipal social welfare committee shall ensure that a person needing care or accommodation in a home other than his or her own is received in a family home (a private home commissioned by the social welfare committee to receive children for permanent care and upbringing) or in a home for care or residence (a home or institution within the social services, run by a municipality or privately and receiving individuals for care, treatment, nursing or supervision combined with residential accommodation). It is also the duty of the municipal social welfare committee to ensure that a person received, through the agency of the committee, into a home other than his own is properly cared for. Under the Support and Services (Certain Functionally Impaired Categories) Act, children and young persons with functional impairment who need to live away from home are entitled to live in family homes or in housing with special services for children and young persons, or to a short-term stay away from home.

395. Three quarters of all children cared for away from home are placed in family homes. Family home placements are more common in connection with care by consent under the Social Services Act than in connection with care without consent under the Care of Young Persons (Special Provisions) Act. A family home works on behalf of the social welfare committee of the municipality which has placed the child there. The adult members of the family have the task of following the caring plan which the social services have drawn up for the child. As soon as the care has achieved its objective, it is to be discontinued and the child reunited with its parents.

396. Observing and assisting children placed in public care is one of the most important and responsible tasks of the community. Both the Social Services Act and the Care of Young Persons (Special Provisions) Act define the supervisory duties of the community in connection with the care of children and young persons.

397. In Sweden, no minor may, without consent from the municipal social welfare committee, be received for permanent care and upbringing into a private home not belonging to one of his parents or to another person having custody of him. A private individual or an association wishing to establish a home for care or residence in which it is proposed to receive children on a professional basis must also apply to the county administrative board for

permission. Subsequently, the home comes under continuous supervision by the municipal social welfare committee. The committee should maintain continuous contact with the child's parents, with the home where the child has been placed and with the child itself.

398. In addition to the continuous supervisory responsibilities of the social welfare committee, the county administrative boards also have a certain sanctioning and supervisory responsibility for homes receiving children and young persons. A county administrative board is also empowered to prohibit the continuation of activities at a home where there are abuses.

399. Institutional care is an alternative to family homes. There are cases of very young children being placed in an institution if care is urgently needed and there has not yet been time to investigate the child's caring needs. A high level of competence has been developed for the emergency care of children who have suffered neglect, and investigations are made by qualified persons concerning children's mental status and treatment requirements.

400. Where older children and young persons are concerned, institutional care can have a different role than where younger children are concerned. It may sometimes be better for young persons to be given the opportunity of meeting other youngsters with similar problems and adults who figure more as examples than as adjuncts to their parents. Children and young persons with certain serious injuries cannot be looked after in family homes either but have to be given more professional treatment. All over Sweden there are residential treatment centres for different ages and with different specialities. The special approved homes for young persons occupy a special position among institutions. The State has been in charge of these since 1 July 1993. A new national authority, the National Board of Institutional Care, was set up at the same time to take charge of the planning and running of the homes in question. At these special approved homes, the staff have special powers, e.g. the right of detention and the right of body search.

401. As from 1 January 1998, the Social Services Act will include an express rule to the effect that, in the placement of children, it should primarily be considered whether the child can be received by a relative or some other closely connected person, unless the child's best interests demand otherwise.

402. As regards the placement of children from minority groups, the municipal social welfare committee must, in connection with its choice of family home, carry out a thorough investigation and suitability assessment of the family home, not least in cultural and religious respects.

403. When the present Care of Young Persons (Special Provisions) Act was introduced, the Government declared that the right of the child to continuity and stability should be an overriding aim of measures of assistance, no matter whether they concerned support in the home or care away from home. The travaux préparatoires of the Act also stress the right of children and young persons to respect for and contact with their own history and their social and cultural background. In this connection it can also be mentioned that, in its General Recommendations on individualized measures in immigrant families, the National Board of Health and Welfare stresses that the municipal social

welfare committee ought primarily to endeavour to place the child in a family home having the same cultural, ethnic and linguistic background as the child itself. If no suitable family home of this kind can be found, placement must still not result in the child being cut off from its origins. In cases where a child of foreign origin is placed in a Swedish family home, it is especially important that a concrete plan be made for the child to retain contact with its origins.

7. Adoption (art. 21)

404. Adoption orders are made by a court and can be appealed. The court has to adjudicate whether it is appropriate for an adoption to take place. Under special provisions of the Code of Parenthood and Guardianship, permission for an adoption may only be granted if the adoption is advantageous to the child and the applicant has reared the child or intends doing so or there is otherwise special cause for the adoption, having regard to the personal relationship between the applicant and the child. A person under the age of 18 may not be adopted without the consent of his or her parents. A person aged 12 or above may not be adopted without his or her consent. In judging whether it is suitable for the adoption to take place, the court, even when the child's consent is not needed, shall take the child's wishes into account, having due regard to the child's age and maturity.

405. As regards paragraph (b), Swedish legislation permits intercountry adoptions. A person intending to receive a foreign child into his home with a view to adoption must obtain the social welfare committee's consent to reception of the child before the child leaves its country of origin. In this connection the committee assesses whether the persons wishing to adopt will presumably be capable of giving the child good care and upbringing and generally favourable conditions to grow up in.

406. Sweden has ratified the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption adopted in The Hague in 1993. That Convention has the status of law in Sweden. Certain adjustments have consequently been made to pre-existing Swedish legislation. Among other things, the scope for private adoptions has been restricted and a new stage included in the process whereby, as a final check, the municipal social welfare committee must also decide on the continuation of the adoption procedure when a certain child has been proposed to the persons wishing to adopt but before the child has left its country of origin. The amendments came into force on 1 July 1997.

407. Another amendment to the Social Services Act comes into force on 1 January 1998. This has been prompted by the viewpoint expressed by the Committee on the Rights of the Child in its consideration of Sweden's first report. Under the new provision, the social welfare committee, in its care of children and young persons, shall provide the special support and assistance which may be needed for an adopted child.

408. Sweden has six authorized non-profit associations for intercountry adoption assistance. These are subject to public inspection and control through the National Board for Intercountry Adoptions. Under the Social Services Act, no other associations or private individuals may engage in

activities for the purpose of supplying children to persons wishing to adopt. In the case of related children or if there are other special reasons involved, families may adopt foreign children themselves without going through an authorized association. In addition to consent from the municipal social welfare committee to the receipt of a child, this form of mediation also has to be approved by the National Board for Intercountry Adoptions.

409. Subject to certain conditions, parents adopting children from abroad receive a grant towards certain items of expenditure entailed by the adoption. A grant of this kind amounts to SKr 24,000 (US$ 3,116). Single adoptive parents receive SKr 1,173 (US$ 152) maintenance support monthly.

410. As regards the provisions of article 21 (c), there are no differences between children concerned in intercountry adoption and adoption in Sweden of Swedish children, as regards the safeguards which the children enjoy and the standards by which they are treated.

411. Under the Act on International Legal Relations Concerning Adoption, adoption applications are adjudicated by a Swedish court in accordance with Swedish law. If an adoption has been ordered in a foreign State, the order will apply in Sweden, subject to certain conditions. Otherwise, approval of the foreign order has to be obtained from the National Board for Intercountry Adoptions.

412. As regards paragraph (d), Swedish law forbids persons assisting with an adoption to derive improper financial gain from the procedure. Under provisions of the Code of Parenthood and Guardianship, the court may not grant an adoption application if payment has been made or promised by either side or if an agreement has been made concerning a contribution towards the child's maintenance. Under certain conditions, however, a maintenance contribution in the form of a lump-sum payment will not preclude permission to adopt. Under the Code of Parenthood and Guardianship, an agreement concerning payment or maintenance which, if it had been known to the court, should have resulted in the adoption application being refused, is invalid if the application is granted.

413. An adoption means that, in principle, the child has the same relationship to the adopter and his or her relatives as one of the adopter's own children. At the same time, the family bond between the adoptive child and its biological relatives is severed. An adoption cannot be cancelled under Swedish law. On the other hand, all effects of the adoption are terminated by a new adoption or on the contraction of marriage between the adopter and the adopted child. The question of whether the possibility of an adopter and an adopted child marrying each other should be retained has been considered by the Guardianship Commission. In its final report (Adoption Questions, SOU 1989:100), the Commission recommends abolishing the possibility. The report has been circulated for comment and is currently being processed in the Ministry of Justice. About 900 children from abroad and some 100 Swedish children are adopted annually.

8. Illicit transfer and non-return (art. 11)

414. Sweden has acceded to the European Convention of 20 May 1980 on Recognition and Enforcement of Decisions concerning Custody of Children and Restoration of Custody of Children and the Convention on the Civil Aspects of International Child Abduction, adopted at The Hague on 25 October 1980. The rules and principles of the conventions have been incorporated with Swedish law through the Act Concerning Recognition and Enforcement of Foreign Custodial Decisions Etc. and Concerning Transfer of Children.

415. The Hague Convention is to be applied concerning children unlawfully transferred to or from a State party. The number of cases under the Convention in Sweden has varied between 20 and 40 annually. Half of these concern children who have been transferred to Sweden and half children transferred away from Sweden. The actual number of children can be estimated at twice this figure, since many of the cases involve siblings. The Ministry for Foreign Affairs is Sweden's central authority under the Convention. The Ministry also provides assistance concerning children who have been abducted or detained in States which are not parties to the Convention. The procedure has been streamlined through certain statutory amendments which came into force in 1993.

416. A person improperly separating a child under the age of 15 from its custodian is fined or sentenced to not more than one year's imprisonment for arbitrary dealing with a child if the offence does not constitute a crime against liberty, i.e. if it is not a more serious offence, such as kidnapping, unlawful deprivation of liberty or placing in a distressful situation. The same applies if the person having joint custody of a child under 15 abducts the child against the wishes of the other custodian and without notable reason, or if the person who is to have custody improperly receives the child and is thereby guilty of arbitrary conduct. Furthermore, a person improperly separating a child under 15 from a person caring for the child by authority of the Care of Young Persons (Special Provisions) Act is convicted of arbitrary dealing with a child if the offence does not constitute a crime against liberty or furthering of escape. If the crime is to be deemed aggravated, the offender shall be sentenced to imprisonment for not less than six months and not more than four years. The penalty for these crimes has been increased (as from 1 July 1993).

417. The number of children unlawfully transferred to States which are not a party to the Convention and reported to the Ministry for Foreign Affairs is usually between 15 and 20 annually. The figures for 1990 and 1991 are 19 and 13, respectively. As a rule these children have been taken by their father to a country where the father's legal position is very strong. A Swedish custody judgement is not usually recognized by the other country. The Swedish embassies in countries that are not parties to the Convention devote a great deal of time and effort to these cases. They try in various ways to trace the children through contacts with members of the family and relatives. They help in the engagement of lawyers and interpreters and in dealings with national authorities.

9. Violence and neglect (art. 19), including physical and mental mental rehabilitation and social reintegration (art. 39)

418. An account has already been given, in connection with articles 5, 18 (paras. 1-2), 9 and 20, of the duty of society to intervene in cases where a child's basic rights and needs are neglected. The conditions referred to in article 39 are regulated in Sweden through the Health and Medical Services Act, the Coercive Psychiatric Care Act, the Social Services Act and the Care of Young Persons (Special Provisions) Act, which assure the child of entitlement to care conducive in itself to physical and mental rehabilitation and to social reintegration. The articles in question can for Sweden's part serve as a starting point for the debate which must always be conducted as to whether safeguards and treatment measures are the best possible for the children and young persons to whom the article refers.

419. The Code of Parenthood and Guardianship expressly provides that children may not be subjected to corporal punishment or other degrading treatment.

420. If, in exercising custody of a child, a parent is guilty of abuse or neglect or otherwise defaults on care of the child in a way which entails a lasting danger to the child's health and development, the court shall deprive the negligent parent of custody. In such cases, questions concerning a change of custody shall be adjudicated at the instance of the municipal social welfare committee or, without special petition being made, in divorce proceedings between the parents or in litigation between the parents concerning custody of the child.

421. Provisions concerning the child's access to a non-custodial parent are contained in the Code of Parenthood and Guardianship. The basic principle is that it is important for the child to have good and close relations with both its parents, even if the parents are living apart. As has already been explained, the court decides access questions according to what is best for the child. In its adjudication, the court shall make allowance for the child's wishes, having due regard to the child's age and maturity. The court shall further consider the risk of the child, in connection with the exercise of access, being subjected to violence, being unlawfully abducted or detained or otherwise suffering. Thus, as was made clear when the provision was introduced, it need not be established beyond doubt that conditions will occur which can result in the child suffering neglect in order for this to affect the decision; it is sufficient for concrete circumstances to exist which argue in favour of there being such a risk. An access decision can be combined with various conditions, e.g. the stipulation that access may only take place in the presence of a person appointed by the social welfare committee.

422. In connection with the above-mentioned express prohibition of corporal punishment and other degrading treatment being added to the Code of Parenthood and Guardianship in 1979, the Ministry of Justice published the brochure "Can children be brought up without smacking them?". The brochure has been translated into English, Serbo-croatian, Polish, Greek and Turkish. A survey in 1994/95 showed that the majority of senior-level compulsory school pupils, 70 per cent, and more than half the adults, 56 per cent, were opposed to all forms of corporal punishment of children (SCB, rapport 1996:1.1. Barn och aga).

423. The best safeguard against violence to children is, of course, to make it easier for parents to be good parents and in this way to prevent neglect of and violence to children. Parental education has an important role to play in this connection. "Open pre-school" also plays an important role in this connection. Its expansion has had the effect of creating, in growing numbers of housing areas, natural meeting points for parents of very young children where, under the guidance of educationally qualified staff, they can develop various types of activity together.

424. As regards community safeguards for children whose rights and needs are neglected, mention can be made of a provision of the Social Services Act requiring everyone who, in the course of their professional activity, becomes awae of anything which may imply that the social welfare committee needs to intervene for the protection of a minor, to notify the social welfare committee accordingly. As of 1 January 1998, this duty of notification will be extended so as also to apply to the corresponding privately conducted activity. Also on 1 January 1998, the Social Services Act will be made to include provisions requiring an investigation as to whether the social welfare committee needs to intervene for the protection or support of a minor to be conducted with dispatch and to be completed within four months at the latest. This time-limit can be extended for a fixed period if there are special reasons for so doing. It is also made clear which contacts the social welfare committee is entitled to make during such an investigation. Furthermore, it is the duty of the social welfare committee to complete an investigation of this kind, even if the minor moves to another municipality. The second municipality may, however, consent to take over the matter.

425. Confidentiality in medical and social services does not prevent particulars concerning children and young persons being transferred between medical and social service authorities if necessary in order for the individual to receive necessary care, treatment or other support. The same applies if occasioned by a necessary measure on behalf of an unborn child.

426. From the penal viewpoint, mention can also be made of the provisions of the Penal Code concerning assault, which cover physical violence and the infliction of more tangible forms of mental suffering. The provisions of the Penal Code concerning the infliction of physical injury or disease can also be applicable in certain cases.

427. As regards sexual offences, the Penal Code contains certain provisions especially intended for the protection of children and young persons. As regards article 19, reference can be made to a provision of the Penal Code concerning sexual exploitation of minors. That provision stipulates punishment for a person having sexual intercourse with a person who is under the age of 18 and is his own issue or is being brought up by him or for whose care or supervision he is responsible by reason of an official decision. Under an amendment which came into force on 1 January 1995, all sexual intercourse with a person under 15 which is not to be regarded as a more serious sexual offence (rape, sexual coercion or sexual exploitation) shall be regarded as sexual exploitation of a minor. Thus, no relation of kinship or dependence is any longer required in order for sexual intercourse with a child

under the age of 15 to be regarded as sexual exploitation of a minor. This change is partly prompted by the need to label all sexual acts with a child a form of exploitation.

428. As regards the provisions of article 19, paragraph 2, it can be mentioned that several communities have local consultation groups in which representatives of social services, child and youth psychiatry, schools and the police and prosecution service, where relevant, cooperate on individual cases of suspected sexual abuse. In several parts of Sweden there are also "county groups" for dealing with matters concerning violence to children. Some counties also have county groups responsible at county level for coordinating measures with regard to information, knowledge transfer and experience communication to the caseworkers of the relevant authorities in individual cases. These groups also design handling routines for matters involving suspected violence to children or suspected sexual abuse of children.

429. Mention must also be made in this connection of the information and education activities conducted by NGOs. Their efforts have helped to heighten awareness concerning problems of violence to children and sexual abuse of children. The activities of NGOs working for children in vulnerable situations will continue to be highly important. These activities are receiving funding support from the Government, e.g. through the State Inheritance Fund.

430. A child who is injured is often entitled to damages from the person causing the injury. This applies above all if the injury is caused by a criminal act, but also in other cases if the injury was caused by negligence. In certain cases damages are payable regardless of fault, e.g. when a child is injured in traffic.

431. The point of departure when setting damages is for the injured party to receive full compensation for his injury. In other words, he must be put in the same situation as before the injury occurred.

432. Compensation for a person suffering injury covers expenses, loss of income and "a material damage", which above all means compensation for physical and mental suffering of a transitory nature ("pain and suffering") or of a permanent nature (disfigurement or other permanent injury). In certain cases where damages are paid on account of a criminal offence, compensation for the violation of personal privacy is also included.

433. If a person is injured as a result of a crime, compensation is payable by the State (criminal injury compensation). In order for compensation to be payable, the offender need not be known, but the investigation must have established that the injury resulted from a crime. Compensation is payable primarily for injuries. It is determined mainly in accordance with principles of the law of damages. In the setting of criminal injury compensation, damages and practically all other compensation to which the injured party is entitled are deducted. Normally, then, criminal injury compensation is payable if a child is injured through a crime, the offender is incapable of paying damages and compensation is not payable out of any insurance.

434. Sweden has an outpatient psychiatric service for children and young persons to which parents and their children can turn for support and treatment. A parliamentary committee, the Child Psychiatry Committee, has been appointed to investigate the care and support given to children and young persons with mental problems. Among other things this Committee is to define children and young persons with mental problems as a group, describe and analyse the way in which various public agencies deal with children and young persons who have mental problems, and improve cooperation between them. The Committee is also to consider and recommend measures for preventing the occurrence of mental problems. Its report is due on 31 December 1997.

435. In many places there are special youth reception centres to which young persons have easy access. When these reception centres began to be set up in the 1970s and 1980s, the principal aim of their activity was to prevent abortions among teenage girls. The overriding aim of youth reception centres today is the prevention of physical and mental illness. Other aims are to strengthen young persons in the management of their sexuality and in respect for themselves and their surroundings. The reception centres devote a great deal of work to the prevention of unwanted pregnancies among young people and sexually transferable infections, but also to psychosocial treatment. Youth reception centres should have both medical and psychosocial competence. Most often, in addition to reception activities, they also have outreach activities in the form of participation in school instruction concerning sexual and personal relations and attendance at parents' meetings. The centres can be municipal, county council, or a combination of both. This makes the question of responsibility unclear, which, especially in times of cutbacks, can make the existence of the centres uncertain. Many centres are operated on a project basis. Young persons turn to the centres not only with questions about sexuality and personal relations but also with psychosocial, medical and psychosomatic problems. Many of them find it easier to go to a youth reception centre than to an outpatient psychiatric child and youth facility or the social services. Roughly a quarter of the young persons turning to the youth reception centres state that they have come because of psychosocial problems.

436. It has been the duty of municipalities since 1 January 1996 to ensure that family counselling is available to municipal residents. The purpose of family counselling is to process, by means of discussions, relational conflicts in pair relations and families. Parents can turn to family counselling for help with interpersonal and/or other relational problems. Family counselling can also help to resolve custodial disputes and problems concerning access to children when parents separate. In certain cases family counselling services also conduct the "cooperation talks", mentioned previously, on the subjects of custody and access.

437. Parents in need of special support by reason of their social situation are increasingly being offered support and assistance in special group activities which have evolved in different housing areas. These activities are often conducted jointly, on a project basis, by different municipal authorities responsible for children and young persons and county council health services. NGOs are also involved in joint projects of this kind.

438. In the National Board of Health and Welfare's "Children in Focus" project, considerable resources were devoted to the development of methods of investigation and treatment concerning abuse problems and to gathering knowledge on the subject and communicating it to the relevant authorities. Under the auspices of the Child Psychiatry Committee mentioned previously, a special project is in progress to review work with children suffering violence and/or sexual abuse. A high level of competence is required on the part of persons within various authorities dealing with these problems.

439. Comprehensive development work is in progress within social service individual and family care concerning children, young persons and their families. This affects both preventive work and the actual process of investigation and treatment. The emphasis of much of this development work is on methods, in cooperation with the family and its network, of devising solutions based on the child's needs for nearness, stability and continuity. In this connection, one must especially emphasize the importance of employing a child's perspective in the conduct of the investigation and in the planning and conduct of various measures of support and treatment for parents and children. It has become increasingly common to involve the network surrounding the family in social work, and in certain municipalities experimental schemes involving "family conferences" are in progress.

440. In 1994 the National Institute of Public Health was commissioned by the Government to direct and coordinate intensified alcohol and drug prevention activities. The assignment included convening a national steering group for this work. One of the group's most important tasks was to draw up a plan of action for continuing work in both the long and short term. The steering group presented its action plan on 1 July 1995. One of the most important elements of the plan is that children and young persons are entitled to a formative environment which is free from the negative consequences of alcohol, free from open or covert alcohol advertising and other drug-romanticizing messages. Work on alcohol and drug questions is to take place locally, regionally and nationally. Young persons' attitudes towards alcohol and drugs have changed in recent years, becoming more and more permissive. The Government takes a serious view of this development and decided in April 1997 to establish a secretariat for the national steering group for alcohol and drug prevention measures within the Ministry of Health and Social Affairs. The task of the steering group will be to build up long-term alcohol and drug prevention activities. Its main task will be to concretize, articulate and deepen work on an alcohol and drug policy for Sweden. The steering group is to encourage and support local and regional mobilization for greater efforts in the field of alcohol and drug prevention, not only among authorities but also in the non-governmental sector. The group of young persons will be included in a reference group affiliated to the steering group.

441. As regards the situation for asylum-seeking children and young persons in refugee reception centres, an action programme has been worked out with a view to making better provision for the children's needs and improving their situation within the reception system.

442. In the Care of Young Persons (Special Provisions) Act, it has been made clear that care orders under the Act do not preclude a refusal of entry or expulsion order under the Aliens Act and that care orders cease to apply once

a refusal of entry or expulsion order has been enforced. At the same time, however, the Aliens Act has been made to include the possibility for persons who are under 18 and in need of care under the Care of Young Persons (Special Provisions) Act to obtain temporary residence permits.

10. Periodic review of treatment (art. 25)

443. The Care of Young Persons (Special Provisions) Act requires the municipal social welfare committee to maintain careful observation of the care given to a person for whom care has been provided under its provisions. If the child has been placed in care on account of abuses in the home, the social welfare committee shall consider at least once every six months whether care is still necessary. If the young person has been placed in care on account of his or her behaviour, a formal review is to take place every six months concerning the continuation of the care. Also in the case of "voluntary placement" under the Social Services Act, the social welfare committee shall consider at a meeting, at least once every six months, whether the care is still needed. When care under the Act is no longer needed, the committee shall order its discontinuation.

444. As regards children who are being cared for under the Coercive Psychiatric Care Act, the general requirements of the Health and Medical Services Act concerning good care apply. The latter Act also specifically provides that a person who has been given care shall be discharged without delay if the conditions of the care no longer apply. The question of discharge is to be reviewed continuously.

F. Basic health and welfare

1. Survival and development (art. 6, para. 2)

445. Swedish children's health has improved continuously and today is very good. This development has been very much due to the general improvement of welfare, with better housing, improved hygienic conditions and greater awareness concerning diet and nutrition.

446. Sweden has one of the world's lowest infant mortality rates. Whereas at the turn of the century it was roughly 10 per cent, in 1995 it was 4.1 per thousand. Perinatal mortality (stillbirths and deaths during the first week of life) has also declined steeply and in 1995 was 5.5 per thousand. This decline in infant and perinatal mortality has above all been due to improved living conditions but also to better maternity and neonatal care and to the measures taken in mother and child health care. Although, on the whole, Swedish children's health is very good, very young children present a high incidence of ordinary infirmities, as well as problems with breastfeeding, food and sleep. At least 1 child in 20 has a long-term illness or functional impairment. Even if children's health status on the whole must be considered satisfactory, certain children have health problems which cannot be disregarded. Allergies or other hypersensitivities have become more and more common and now affect one child in three. Allergies are a serious signal of unsatisfactory conditions in children's surroundings. There are also children with various types of development abnormality, such as concentration difficulties, motor and perceptual difficulties, language and speech problems

and reading and writing disabilities. Unwanted teenage pregnancies with repeated abortions can also be termed a health problem, at the same time as they have a social background. Certain data suggest that mental problems among children and young persons are greater today than previously, and that the incidence of such problems is higher.

447. Although Sweden has one of the world's lowest child accident rates, accidents still dominate child morbidity and mortality. Traffic accounts for the majority of the more serious accidents. Most of the accident victims are schoolchildren, above all boys aged between 13 and 15.

448. The aim of medical care in Sweden is good health and care on equal terms for the entire population. Preventive and supportive measures in mother health care, child health care and school health care play a very important part in maintaining the good health status of the majority, but also in supporting underprivileged and vulnerable groups and highlighting new health hazards in children's lives.

449. The main objective of child health care is to reduce mortality, morbidity and functional impairment in the child population, to try to reduce harmful stresses on parents and children and to support and activate parents in their parenthood, thereby creating favourable conditions for children's all-round development. The sub-objectives are to carry out differentiated health monitoring of pre-school children, to reduce notable health problems of young families, to provide parents and children with services, support and care appropriate to their needs, and to observe and avert conditions in the immediate environment and society which are capable of threatening children's health.

450. Child health care has the task of supervising children's health from birth until they start school. The main focus of attention is on newborns. Health supervision means regular health checks for all children. The general vaccination programme covers diphtheria, tetanus, polio, measles, mumps and rubella (German measles). Discussions are in progress concerning an expansion of this vaccination programme to include whooping cough vaccine and vaccine for Haemophilus influenza type b.

451. The nurse at the child care centre is responsible for ongoing health supervision. The child is normally examined by a doctor at certain ages. These examinations are geared to individual needs and are among other things aimed at diagnozing congenital functional impairments and illnesses as early as possible. Child health-care services must in particular observe children who risk developing unfavourably and must help to ensure that children and their families receive the right help. The tasks of child health care also include conducting health information by advising parents on diet and living habits. The parental education offered to first-time parents is highly important. Child health-care services are also responsible for pre-school health care.

452. The National Board of Health and Welfare has investigated child health care on the Government's behalf. Its report, "Protecting the Safety Net", shows that child health care plays a very important part in the prevention of illness among children. But the report also points to certain deficiencies.

For example, the support given to psychosocially disadvantaged children and parents has not improved significantly in the past decade, because child health-care services have had difficulty in adapting their activities to the special needs of these groups. It is further noted that paediatric competence is unevenly distributed throughout the country and that child health-care services have not yet found appropriate routines for psychosocial work.

453. Mother health care in Sweden, like child health care, is free of charge and part of the primary care system. Health supervision throughout pregnancy and after delivery, antenatal preparation and parental education, birth control counselling, health information and gynaecological health examination are important parts of mother health care. Responsibility for child and mother health care, as with other medical care, is vested in the county councils and the unitary municipalities. In some parts of Sweden these activities have been taken over by the municipalities. The National Board of Health and Welfare, as supervisory authority, has the task of observing these activities and evaluating them, partly in relation to the relevant legislation.

454. School health care, which is also free of charge, is a statutory right of all pupils attending compulsory school, upper secondary school, compulsory school for the intellectually handicapped, special school and Saami school. First and foremost, school health care is intended to be preventive, comprising health checks and basic nursing. Support for children with functional impairment and other difficulties forms an important part of these activities.

455. School health services are staffed by school doctors, school psychologists, school social workers and school nurses. These activities reach all children and young persons from the age of six or seven years and are thus in a position to observe and influence their health status. The recurrent health surveys of all pupils at each stage of compulsory school are an important instrument for tracing disease, functional impairment and mental illness among children. In this way too, new health hazards can be discovered, e.g. in children's environment.

456. The youth reception centres are an important adjunct to school health care. The first of these centres was started in 1970. Originally the aim of the activities was to prevent teenage pregnancies. As the activities have expanded, they have also come to include developmental support for young persons. The youth reception centres have both medical and psychosocial competence, and most of them are jointly operated by municipalities and county councils. Here, as in child health care, the main thrust of activities has shifted from purely physical health checks to work with mental and social problems, health instruction, environmental issues in and out of school and inquiries and remedial measures concerning children in need of special support. The school nurse and school doctor are often an intermediary link with other supportive and therapeutic activities, in partnership with school pupil welfare generally.

457. Several different public agencies are concerned with children's health and well-being, and there is also great commitment on the part of parents and

though they have participated, for example, in parental education, the arrangement of child accident courses and breastfeeding supportive measures.

458. During the 1990s the National Institute of Public Health has conducted a special programme focusing on children's and young persons' health. Activities under the programme have referred to both physical, mental and psychosocial aspects.

459. A minimum age limit of 18 was introduced on 1 January 1997 for the purchase of tobacco products.

460. Sweden has strong legislation aimed at protecting children from neglect in their families. The chapter of the Code of Parenthood and Guardianship dealing with custody and access begins with a provision to the effect that children are entitled to care, security and a good upbringing. Children shall be treated with respect for their person and individuality and may not be subjected to corporal punishment or other degrading treatment (chapter 6, section 1, of the Code of Parenthood and Guardianship). The ban on corporal punishment applies to all forms of physical and mental punishment and offences against it are punishable under the Penal Code as assault (chapter 3, section 5, of the Penal Code). Any person who inflicts bodily injury, illness or pain upon another (for which read: a child) or renders him unconscious or otherwise similarly helpless can be sentenced to up to two years' imprisonment for assault or, if the offence is a minor one, can be fined. If the crime is to be deemed aggravated, a sentence of at least 1 year's and not more than 10 years' imprisonment is to be passed for aggravated assault.

461. The Social Services Act requires the municipalities to ensure that children and young persons in danger of developing unfavourably receive the support and protection they need. If parents default on care and there is a risk of the child's health and development being jeopardized, it is the duty of the municipal social welfare committee to intervene for the protection of the child. The responsibility of the social services for the survival and development of children is further considered in the sections relating to articles 9, 19, 20 and 39.

2. Children with functional impairment (art. 23)

462. There are in Sweden about 34,000 children and young persons aged up to 19 who, owing to functional impairment, are in need of supportive measures from the community. This applies, for example, to children with intellectual handicap, physical disability, hearing impairment/deafness, vision impairment, autism and certain functional impairments of a medical nature. Perhaps the greatest threat of all to the development of children with functional impairment is that they are liable to become isolated and segregated from the community. This has prompted the efforts towards integration and normalization which have characterized the past few decades and which have been strongly impelled by parents themselves and their organizations. The State, the municipalities and the county councils are together basically responsible for providing persons with functional impairment with opportunities for living on the same terms as other members of society.

463. The Government and Riksdag have defined the objectives of disability policy in various connections. The principles of full participation, equality of living conditions, self-determination and access are the foundation stones on which Swedish policy for the disabled is built. The point of departure is the equal dignity and equal rights of all human beings. The realization that people have different functional capacities must form the basis of social planning. Resources must be used in such a way that all individuals will as far as possible be given equal opportunities of participating in the life of the community. The terms participation and equality encompass a process whereby different areas of society, as well as the surrounding environment, are made accessible to persons with functional impairment. This applies both to physical access and to the availability of information and services, care and support, culture, leisure activities, etc. The aim is to create the preconditions for independent, dignified living for persons with functional impairment.

464. Disability policy impinges on all areas of society and practically every question has a disability aspect. And yet there are cases of measures for persons with functional impairment being discussed and dealt with outside their rightful context. They are not always regarded as a natural part of current topics of discussion.

465. It is the Government's view that disability aspects must be taken into account in all policy fields and in planning at central, regional and local levels. The reforms of disability policy introduced in recent years have to a great extent been concerned with improving individual support for persons with functional impairment. Measures in future will to a greater extent be made to focus on improving the accessibility of activities and environments.

466. On 1 July 1994, a new central administrative authority, the Office of the Disability Ombudsman, was tasked with supervising the rights and interests of persons with functional impairment and with furthering the achievement of the overarching objectives of disability policy. Among other things, the Disability Ombudsman observes legal practice in the disability sector and offers legal advice. Another priority task is that of disseminating knowledge of the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities and evaluating compliance with them.

467. The Social Services Act makes the municipalities basically responsible for ensuring that children with functional impairment and their families receive the support and help they need. The overarching responsibility of the social services for children and young persons is laid down in a special provision of the Social Services Act (sect. 12). Another provision assures the individual of the right to various supportive measures which he or she may be in need of and which are not otherwise provided (sect. 6).

468. The responsibility of social services for persons with functional impairment is underlined by the provisions of the Social Services Act dealing with the care of persons with functional impairment, be they children or adults (sect. 21). The municipal social welfare committee shall work to ensure that persons who, for physical, mental or other reasons, encounter considerable difficulties in their everyday living are given the opportunity of taking part in the life of the community and living like others. The

municipal social welfare committee shall further help to ensure that the individual is provided with a meaningful occupation and that he is housed in a manner appropriate to his need of special support.

469. The Support and Services (Certain Functionally Impaired Categories) Act (LSS), which came into force on 1 January 1994, applies to both children and adults and is of great importance to families which include children with functional impairment. The Act expands the possibilities of achieving the greatest possible equality of conditions between persons with extensive functional impairment and others. Its provisions apply to:

(a) Persons with intellectual handicap and persons with autism or quasi-autistic conditions;

(b) Persons with a considerable and enduring intellectual handicap following brain damage in adulthood as a result of external violence or physical illness;

(c) Persons who, as a consequence of other major and persistent functional impairments, have considerable difficulties in their daily living and, accordingly, are extensively in need of support.

470. One of the most important features of this Act is the right to personal assistance, with the individual concerned being able to hire the person or persons who are to provide the support and receiving financial support from the municipality or the State. This form of support, then, is linked to the individual person with functional impairment and not to any particular activity. Unlike other forms of support under LSS, personal assistance is available for persons under the age of 65.

471. The other forms of support under LSS comprise:

Counselling and support

Escort services

Assistance from a contact person

Relief service in the home

Short-term stays away from home

Short-term supervision for school pupils over the age of 12 away from home, in connection with the school day and during holidays

Accommodation in family homes or in housing with special services for children and young persons needing to live away from the parental home

Housing with special services or other modified housing for adults

Daily activities for persons of employable age who are not gainfully employed and not educationally active

472. Under a special enactment (the Assistance Grants (Disabled Persons) Act), the State bears the cost of remunerating an assistant insofar as a person requires more than 20 hours' personal assistance per week. In other cases the cost is borne by the municipalities.

473. Nowadays most children with functional impairment grow up in their own families, in the company of parents and siblings. In cases where, for various reasons, this is not the best solution or is not possible, there are family homes (private homes commissioned by the municipal social welfare committee to receive children for permanent care and upbringing) and housing accommodation with special services in which a small number of children live together under conditions which are made as home-like as possible. It is considered essential for close contact with parents to be preserved and for the parents to retain custody, even if practical care is transferred elsewhere.

474. For children with functional impairment, the county councils have established organizations whose activities include, for example, medical checks, examination and treatment, physiotherapy, testing of technical aids, language and speech training, educational measures, supportive interviews and counselling for parents.

475. Children and young persons with functional impairment are, like all others, obliged to attend school and entitled to education. Most of them attend municipal schools in their home area. The Education Act makes it the duty of the educational authorities to ensure that special support is received by children in need of it. In the case of pupils with functional impairment, this can, for example, mean special technical aids, special teaching inputs, measures of pupil welfare, modified facilities or the hiring of special pupil assistants. Special educational support for children with functional impairment in school is provided through the Swedish Agency for Special Education (SIH). Pupils with intellectual handicap are entitled to be taught in compulsory school for the intellectually handicapped. The eight national special schools for deaf and hard-of-hearing children are an exception to the principle of comprehensive municipal responsibility for schools. The State has also assumed far-reaching responsibility for the post-compulsory schooling of deaf, hard-of-hearing and severely disabled young persons.

476. The parents of a child under 16 with functional impairment requiring special supervision and care in the home can obtain a caring allowance out of national insurance. In the assessment of entitlement to caring allowances, additional expenditure entailed by the child's functional impairment is also taken into account.

477. Support for the purchase of a car can now be given to the parents of children with functional impairment, on condition that the parent lives with the child and is in need of the vehicle for journeys together with the child. Grants take the form of basic grants, procurement grants and adjustment grants. The basic grant is up to SKr 60,000 (US$ 7,992) and the procurement grant up to SKr 40,000 (US$ 5,194).

478. The State grant to the organizations of the disabled plays an important part where measures for persons with functional impairment are concerned. It amounts to nearly SKr 132 million (US$ 17.1 million), divided between

40-50 organizations, for the 1997 fiscal year. The activities of the organizations of the disabled have had a crucial bearing on present-day policy for the disabled. The organizations conduct lobbying activity at central, regional and local levels, are engaged in official consultation procedures and are represented on various government commissions. One important activity, in addition to support for members, is that of informing various target groups about functional impairment. The Government also makes funding allocations out of the State Inheritance Fund towards caring services for children and young persons with functional impairment. State grants and support from the State Inheritance Fund enable the organizations of the disabled and other NGOs to inaugurate and conduct development activities of different kinds which are important adjuncts to measures by the community. Activities receiving funding support have, for example, included experimentation and development such as information technology for persons with functional impairment, resource centres for persons with autism, activities for the deaf-blind and hard-of-hearing, and play and communication for severely retarded persons with several functional impairments.

479. For many years now, Sweden has been playing an active role in international work on behalf of the disabled.

480. The aim of Swedish development assistance in the disability sector is to make the disability aspect an integral part of ongoing development cooperation. Disability aspects are taken into account both bilaterally and in cooperation with individual organizations, and also globally through the United Nations, the United Nations Development Programme and other relevant organizations within the United Nations family.

481. Sweden has taken an international lead in this sector and is continuing to do so as a member of the EU, United Nations and other international organizations. The EU programme of action HELIOS II was concluded in December 1996. No new action programme in the EU context is imminent at present. Denmark, however, has taken the initiative for a European centre of special education, starting in 1997. This project is to continue for three years and its aim is to gather and disseminate knowledge in the field. The Government, which takes a positive view of the project, has also set aside funding for Sweden's participation.

482. Vaccinations and the distribution of vitamin A and iodine are examples of measures preventing functional impairment. Rehabilitation of children born with functional impairment can in most cases be conducted, with good results, in the family, with a certain amount of support from health-care personnel. The Sweden International Development Cooperation Agency (SIDA) supports family-based rehabilitation (community-based rehabilitation) through direct measures, through WHO development work in this field but also through Swedish NGOs. With support from SIDA, WHO has produced a handbook entitled "Training in the Community for People with Disabilities" which forms the basis of family-based rehabilitation.

3. Health care and medical assistance (art. 24)

483. The overriding aim of Swedish health and medical care shall be good health and care on equal terms for the entire population. On 1 July 1997 a

provision was added to the Health and Medical services Act to the effect that care shall be distributed according to need and the exercise with respect for the equal value of all human beings and for the dignity of the individual. The term "health and medical care" as used in the Health and Medical Services Act denotes measures for the medical prevention, examination and treatment of diseases and injuries. Health and medical care also includes medical transport and care of the dead. Health and medical care shall be conducted in such a way as to meet the requirements of good care. The possibilities of obtaining care when needed may not be affected by such conditions as age, sex, powers of initiative, education, financial resources, nationality, cultural differences, the nature of the illness or the duration of the illness. This tallies closely with the right of the child to health care and medical assistance under article 24, paragraph 1.

484. Most of the community inputs affecting the health of children and young persons come within the scope of municipal and county council responsibilities.

485. The Health and Medical Service Act specifically provides that health and medical services shall work for the prevention of ill health. Health care can be environmentally oriented and participate in social planning or be individually oriented and, for example, take the form of health checks, vaccination, health education and mother and child health care. The Government recently appointed a commission whose remit includes considering the task of health and medical care in modern society and proposing ethical principles on which priorities in health and medical care should be based.

486. The Dental Care Act makes the county councils responsible for providing children and young persons living within their boundaries with dental care free of charge. Action programmes during childhood include information and instruction concerning diet changes, fluoride tablets, tooth-brushing and flucrine toothpaste. As a result of these preventive measures, four out of every five three-year-olds no longer have cavities in their milk teeth. The number of caries-damaged teeth among schoolchildren has been reduced by more than half over a 10-year period.

487. Children under the age of eight enjoy special protection against examination and treatment by certain alternative medical practitioners, through a prohibition in what is known as the Quackery Act.

488. Under the Refugee Reception (State Compensation) Ordinance, the State reimburses the county councils for certain care given to refugees and asylum seekers. In this way an asylum seeker can receive emergency medical and dental care, maternity care and abortion care free of charge. In addition, reimbursement is paid for the cost of health examinations. The general provisions of the Health and Medical Services Act require county councils to offer health and medical care to persons residing within the county. If a person living in the county without being a resident is in need of immediate health and medical care, however, this is to be offered by the county council. As a consequence of these rules, an asylum-seeking child or the child of an asylum seeker is only entitled to emergency medical and dental care. In deciding whether the need for care is to be regarded as urgent, the Health and Medical Services Act and the General Recommendations of the National Board of

Health and Welfare, "Health Care for Refugees and Asylum Seekers", are consulted. The General Recommendations state, for example, that "the assessment will depend on whether deferment of the care can have negative consequences for the patient". The National Board of Health and Welfare has pointed out that mental symptoms and disturbances such as anxiety and depressions require urgent action. Furthermore, it has been emphasized that when assessing the needs of the asylum seeker, it must be borne in mind that months may pass before he has a chance of obtaining other than emergency care. This is particularly important where children are concerned. In addition, the National Immigration Board and the National Board of Health and Welfare have declared that children in asylum-seeking families are to be offered all somatic medical care which cannot be deferred for six months without the illness becoming worse.

489. Recent years have also seen an expansion of the emergency concept where children are concerned. There are, however, reports of the emergency concept being variously interpreted in various parts of the country. The agreement concluded by the National Immigration Board with providers of health and medical care at refugee reception centres lays down that health care for asylum-seeking children and children of asylum seekers shall correspond to the paediatric health care normally given to children in Sweden. The agreements also emphasize the importance of access to child-psychiatric care at the reception centre. The Immigration Board is working to make further improvements to child health care at the reception centres. Within the Cabinet Office, work has begun, together with the National Board of Health and Welfare and the Immigration Board, on following up the implementation of the emergency concept and gauging the need for a possible expansion of the entitlement of asylum-seeking children to health and medical care.

490. As regards the provisions of paragraph 2, reference can be made to what is stated in connection with article 6, paragraph 2. Swedish mother and child health care is aimed at reducing mortality, morbidity and functional impairment among expectant mothers and children. Another aim is to try to reduce harmful stresses on parents and children and to support and activate parents in their parenthood, thereby creating favourable conditions for children's all-round development. Both mother and child health care in Sweden focus on preventive measures. As stated earlier, most parents are offered parental training, as a part of child health care, in connection with pregnancy and childbirth.

491. With regard to paragraph 3, reference can be made to the 1982 Act prohibiting the circumcision of women. An operation on the external female sex organs with a view to mutilating them or making other permanent changes to them (circumcision) may not be performed, regardless of whether or not consent has been given. Any person contravening the prohibition will be sentenced to not more than two years' imprisonment or, if there are extenuating circumstances, will be fined. The penalty for an aggravated offence is at least 1 year's and up to 10 year's imprisonment. Within the National Board of Health and Welfare and Swedish Save the Children, for example, active work is in progress with the immigrant communities concerned to counteract the continuation of female circumcision. Proposals, which include a heavier penalty for genital mutilation, are currently being drafted within the Cabinet Office.

492. As regards paragraph 4, Swedish development cooperation emphasizes factors strongly connected with children's health, such as primary health care (AIDS prevention measures included), family planning and nutrition, water and sanitation, and primary and vocational schools.

493. Primary health-care support is to a great extent devoted to children and mothers. Preventive health care and vaccinations of children take place through support to WHO in collaboration with UNICEF.

494. One of the aims of assistance to primary health care is to reach children, especially with immunization and the treatment of diarrhoeal and other conditions which are life-threatening to children in developing countries. The national immunization programmes, which Sweden actively supports, have resulted in 80 per cent of all children being vaccinated for the commonest childhood illnesses. Great importance has been attached to the training of health-care personnel at all levels as a means of reaching all children.

495. Research for the development of primary care in developing countries is in progress at Swedish universities and institutions within the framework of Swedish development cooperation, e.g. at the Department of International Nursing Research at the Karolinska Institute in Stockholm, at the International Child Health Care Unit of Uppsala University and at the National Bacteriological Laboratory. The Swedish International Development Cooperation Agency (SIDA) also cooperates with reference to development research and development work.

4. Social security and child care (art. 26 and art. 18, para. 3)

496. The principles applying under Swedish social service and social insurance legislation entitle the child to social security. An account has already been given of the duty of the social services to make sure that children can grow up under secure and good conditions.

497. Society's direct economic support to children and young families consists primarily of basic child allowance, housing allowance, parental insurance, maintenance support, child pensions and caring allowances for children with functional impairment.

498. Basic child allowance assures all households with children of a basic measure of economic support. The child allowance, which is paid at a flat rate for all children under the age of 16, is received by about one million families with a total of 1,760,000 children. Since 1 January 1996, child allowance has been SKr 640 (US$ 83) per month.

499. Extended child allowance is paid for children who have reached the age of 16 and are attending compulsory school or certain other kinds of education. This extended allowance is paid at the same rate as the basic child allowance.

500. Housing allowances have been paid, since 1 January 1994, to households with children and to childless persons between the ages of 18 and 29. Housing allowance for households with children consists of a special allowance per child and of an amount governed both by the number of children and by housing

costs. In this connection, housing costs entailed by dwelling space in excess of a certain number of square metres (depending upon the number of children) is disregarded. The special allowance is between SKr 600 and 1,800, depending on the number of children. The allowance related to housing cost is based on the cost of housing between an upper and a lower limit. Within these intervals, allowances equal 75 or 50 per cent of housing costs. The allowance computed according to the number of children and housing costs is also paid to single persons and husbands/cohabitees with rights of access.

501. Allowances are means-tested and reduced by an amount equalling 20 per cent of qualifying income in excess of SKr 117,000 for one applicant or SKr 58,500 each for husband and wife.

502. Housing allowances are awarded and paid by social insurance offices.

503. The rules governing housing allowances were amended on 1 January 1997, mainly through the introduction of a new means-testing system which will make the assessment of needs more dependable.

504. The additional child allowance over and above basic child allowance has been abolished. To compensate for this, the so-called special allowance for housing allowance, which is paid according to the number of children in the family but regardless of housing costs, has been increased somewhat.

505. Child pension is paid to children who have lost one or both parents. It can also be paid after age 18 if the child is engaged in post-compulsory schooling or other basic education. Child pension under the basic pensions scheme is at present SKr 1,173 (US$ 152) monthly.

506. Concerning maintenance support, see the reply with reference to article 27, paragraphs 1-3 (sect. 5 below).

507. Child-care services (pre-school activities and school child care) have since 1980 been governed by the Social Services Act (1980:620).

508. Municipal responsibilities for child care were tightened up with effect from 1 January 1995 through an amendment to the Social Services Act. Earlier legislation made it the duty of the municipalities to offer child care through planned expansion. The provisions now in force make it the duty of municipalities to actually provide child care for children between the ages of 1 and 12 years, to the extent necessitated by the parents' economic or educational activity or the child's own needs. Parents who have given notice of needing a child-care place shall be offered one without unreasonable delay.

509. The percentage of children between the ages of 1 and 6 taking part in pre-school activities today is greater than ever. A diminishing percentage of children are permanently excluded. In January 1996, roughly 223,000 children aged between 1 and 6, i.e. about 30 per cent of the age group, were excluded from publicly funded child care. Most of these (83,000) had a parent who was on parental leave in order to look after a younger sibling. The second largest groups consisted of children whose parents were gainfully employed or studying (66,000) and children whose parents were unemployed (48,000). One small group (20,000) had a parent who was a full-time homemaker.

510. The parents of just over one out of every four children excluded from child care required places. Demand was highest among the unemployed, over 40 per cent of whom wanted day nursery or family day-care places for their children.

511. At national level there is no great difference regarding demand for child care between children with parents born abroad and children of Swedish-born parents.

512. All six-year-olds have for a long time been entitled by law to at least 525 hours' pre-school in the course of a year. This right is exercised by all, except for those children who have chosen to start school at the age of six. Extensive pre-school activities are also provided for children between the ages of one and five years. Nearly 70 per cent of five-year-olds, 60 per cent of four-year-olds, 55 per cent of three-year-olds, 50 per cent of two-year-olds and 30 per cent of one-year-olds are now included in pre-school. Day nurseries are by far the commonest form of activity for children between the ages of one and five years. In addition, between 10 and 15 per cent of children in each age group have places in family day care.

513. School child care is the general term for activities out of school hours for groups of schoolchildren up to and including age 12. Most children enrolled for school child care are aged between 7 and 9. In 1995, more than half of all children between the ages of 7 and 9 were enrolled in leisure centre or family day care, as against roughly 10 per cent in the mid-1970s. The percentage of children between the ages of 10 and 12 years enrolled has increased insignificantly and has been about 6 per cent since the mid-1980s. In 1995 there were about 210,000 schoolchildren attending leisure centre and upwards of 23,000 in family day care.

514. Summing up, the number of children enrolled for child care has risen very steeply. New legislation and large annual cohorts in the past two years have produced the biggest annual increase ever. At 1 January 1996, 72 per cent of all children aged between one and six years were enrolled for some form of child care. This was five percentage units up on the figure for the previous year.

Percentages of children enrolled in pre-school (day nursery and part-time group), leisure centre and family day care, by age group

Year	Age group		
	1-6 years	7-9 years	10-12 years
1985	52	37	5
1990	57	49	5
1994	67	53	5
1995	72	55	6

Source: Social Service Statistics, National Board of Health and Welfare.

515. The biggest increase during 1995 took place at leisure centres, where the number of children enrolled rose by 18 per cent. Half this increase concerns six-year-olds. Meanwhile, the number of six-year-olds attending day nursery or part-time group has diminished. This reflects the change occurring in activities for six-year-olds in a growing number of municipalities. Special activities including all six-year-olds and organizationally coming under the school system have become widespread.

Number of children enrolled in pre-school (day nursery and part-time group), leisure centre and family day care (thousands)

Year	No. of children enrolled					
	Day nursery	Part-time group	Leisure centre	Family day care 0-6 yrs	Family day care 7-12 yrs	Family day care total
1985	196	78	62	113	48	162
1990	268	63	109	111	45	156
1994	338	66	178	101	28	129
1995	361	67	210	100	24	123

Source: Social Service Statistics, National Board of Health and Welfare.

516. The Social Services Act lays down that pre-school activities and school child care are intended, through educational activity, to offer children upbringing and care and to supplement school, offering children a meaningful leisure and support for their development. The Act also indicates certain qualitative requirements. There shall be staff with training or experience of such a kind that the children's need of care and good educational activity is provided for. The child groups shall be suitably composed and sized. The facilities shall be appropriate. Activities shall be based on the needs of each child. Children who, for physical, mental or other reasons, need special support in their development shall be given the care which their special needs require.

517. A child-care place shall be offered as near to the child's own home or school as possible, subject to what is required in order to make efficient use of facilities and other resources. Reasonable allowance shall also be made for the custodian's wishes.

518. The municipality can discharge its duty of offering child-care places to children without unreasonable delay by offering them a place in a private pre-school or private leisure centre. The municipality can make a grant towards private activity if the latter meets the qualitative requirements and the charges are not unreasonably high.

Private pre-schools and leisure centres

519. Private pre-schools and leisure centres have grown in number. In 1995 there were nearly 53,000 children attending private pre-schools and leisure centres, and this was about 6,000 more than in 1994. Nearly 12 per cent of all children enrolled in day nursery in 1995 attended a private day nursery and 5 per cent attended a private leisure centre. Private part-time pre-schools that year had rather less than 2 per cent of the total part-time pre-school population. This percentage has not changed for some years. Parental cooperatives are the commonest form of private activity. Private activity of this kind is unequally distributed throughout the country and is commonest in the south of Sweden and the big cities. About 70 municipalities in 1995 had no private activity at all, while in other municipalities more than 30 per cent of the children enrolled were taking part in activities under private auspices.

520. A follow-up conducted by the National Board of Health and Welfare in May 1996 shows that nearly 90 per cent of Sweden's municipalities expected to be able at the beginning of the autumn that year to be able to offer day nursery or family day-care places to those pre-school children whose parents had requested them in May. The percentage for schoolchildren was higher, with 90 per cent of the municipalities expecting to be able to provide leisure centre or family day-care places for schoolchildren. This is a clear increase compared with the previous year.

521. Responsibility for child-care services was transferred on 1 July 1996 from the Ministry of Health and Social Affairs to the Ministry of Education. The background to this change was explained in the Government's declaration of policy in March the same year. The Government's intention is for a consensus view of children's and young persons' development and learning from an early age to be evolved and for educational activities to be adapted to the new demands which social changes are making on the individual. Activities for children can be improved through an integration of pre-school activities for six-year-olds, school and school child care. The integration is above all to be viewed as an educational matter, focusing on development towards a greater measure of common goals, approaches, working routines and attitudes in the different activities.

522. The Government will shortly be introducing legislation for incorporating the provisions of the Social Services Act concerning pre-school activity and school child care in the Education Act. Official responsibility for child-care services will be transferred from the National Board of Health and Welfare to the National Agency for Education. The curriculum (Lpo 94) will be revised so as also to include pre-school activities for six-year-olds and school child care.

523. The Child Care and Schools Committee has been instructed to draft a goal document for the pre-school education of children between the ages of one and five years.

5. Standard of living (art. 27, paras. 1-3)

Rules of private law

524. The person having custody of a child is responsible for the child being adequately provided for. Parents shall be responsible for the child's maintenance according to what is reasonable, having regard to the child's needs and parents' combined economic capacity. The parents shall share the cost of the child's maintenance between them, each according to his or her capacity. A parent living apart from the child shall discharge his or her maintenance obligation by paying the child a maintenance allowance.

525. A parent's capacity for sharing in maintenance is normally expressed through his or her actual income and capital assets. If a parent omits, without acceptable cause, to obtain incomes enabling him or her to contribute towards the child's maintenance, the maintenance obligation can be determined according to his or her true earning capacity.

526. The obligation of maintenance ends basically when the child reaches the age of 18. If the child is attending school at that time or if the child resumes its schooling before the age of 19, the obligation of maintenance continues for the duration of schooling, but not after the child's twenty-first birthday. Schooling is taken to include studies in compulsory school or upper secondary school or any other comparable basic education.

The public support system

527. Concerning non-economic support to parents, reference is made to replies concerning the articles otherwise dealing with the conditions for children's development.

528. As stated earlier, the direct economic support given by society to households with children consists mainly of basic child allowance, housing allowance, parental insurance, maintenance support, child pensions and caring grants for persons with functional impairment. Family policy shall make it easier for parents themselves to choose the care and upbringing and the division of labour which suits them and their children best. To make things easier for young families (i.e. households with children), society has built up a supportive system aimed at providing economic support during the period of heavy economic commitment.

529. A new law, the Maintenance Support Act (1996:1030), came into force on 1 February 1997, superseding the former Maintenance Advances Act (1964:143). The support given to the child is essentially the same as before. It is paid to children living together with only one parent (who may be an adoptive parent) or together with specially appointed custodians. It is paid insofar as the maintenance debtor does not pay the corresponding amount directly to the child, and it is paid at the same rate as the former maintenance advance, i.e. SKr 1,173 per month. An improvement has been made, however, in that a certain measure of support can also be given to children permanently alternating between both parents, in which case neither parent is required to pay maintenance.

530. The essential difference concerns the rules governing the duty of the maintenance debtor to reimburse the social insurance office, partly or wholly, for the support paid to the child. Previously, when demanding reimbursement, social insurance offices were tied to the civil law maintenance payments established by agreement or court judgement. All too often this meant small maintenance allowances, with State support replacing the maintenance debtor's maintenance payment, even where he or she was capable of paying. The Maintenance Support Act contains rules of its own as to how the duty of repayment is to be determined when the child is receiving maintenance support. Reimbursement is determined as a certain percentage of the last assessed income (after a basic deduction of SKr 24,000). The percentage varies according to how many children the maintenance debtor has (both children living at home and children for whom maintenance is due are included in the computation). If the maintenance debtor has one child, reimbursement will be 10 per cent, for two children it is 6.25 per cent per child, and for three children 5 per cent per child. For each additional child, the total percentage is raised by one percentage point (four children: 16 per cent divided by four, and so on). The repayment due, however, can never exceed what has been paid as maintenance support to the child, i.e. up to SKr 1,173 per child. At the same time, relatively generous rules of respite were introduced for cases where the maintenance debtor's current economic situation is severely strained. Maintenance allowances fixed by civil law are still significant in cases where no maintenance support is paid or where the support exceeds SKr 1,173 per child. In these cases the child can present the parent with a direct demand for the maintenance allowance or that part of it exceeding SKr 1,173, as the case may be.

531. Furthermore, parents of a sick child who needs special supervision or care in the home are entitled to a caring grant under the same rules as apply to the parents of a child with functional impairment. Concerning grants of this kind, see the reply under article 18, paragraph 2 (sect. E.2) and article 23 (sect. F.2).

532. The individual is also entitled, under the Social Services Act, to economic support in the form of social allowance. Through this allowance the individual shall be assured of a reasonable standard of living. The assistance shall be designed so as to strengthen his resources for independent living. Allowances for the individual are decided by the local social welfare committee, and these decisions can be appealed in court.

533. On 1 January 1998 the Social Services Act will be made to include a nationally uniform norm for assistance towards the cost of such basic essentials as food, clothing, etc. The municipal social welfare committee may undershoot the norm in a particular case only if there are special reasons for doing so. The aim here is to achieve greater uniformity between municipalities regarding the level of social allowance. The new provisions also provide a more exact definition of entitlement to assistance, by indicating the needs for which entitlement to assistance exists in the first place. Decisions concerning such assistance can be appealed in a court of law. Decisions concerning other assistance from the municipal social welfare committee are final. This latter rule means, compared with the present

situation, that the possibility of appealing an assistance decision in court will be limited in these respects and that the municipalities will have a somewhat freer hand.

534. Social allowance is the ultimate safety net in Sweden's welfare system for covering the need for a livelihood when this cannot be satisfied in any other way.

G. Education, leisure and cultural activity

1. Education, including general and vocational education (art. 28)

The system of school management

535. At the end of the 1980s, after years of discussions, inquiries and experimentation, a new steering system was introduced for the whole of the public sector school system as proposed in Government Bills Prop. 1988/89:4 on school development and management, Prop. 1989/90:41 on municipal mandatorship of teachers, school managers, etc. and Prop. 1990/91:18 on responsibility for schools.

536. A new allocation of responsibilities between State and municipality and a new system of goal- and result-referenced school management were introduced by stages. The Riksdag and Government are now to be responsible for general management and are to lay down general and nationwide goals for schools, while the full operational responsibility for activities devolves on municipalities and county councils.

537. As from 1 January 1993, State grants to the municipalities have taken the form of a municipal equalization grant. It is the duty of municipalities to provide their residents with certain obligatory services. The equalization grant is intended to supplement municipal taxation revenue. The State funding received by the municipalities for education, therefore, does nothing to influence the way in which schools are organized. The municipalities can decide for themselves on matters of school organization. If a municipality has failed seriously or for a considerable time to discharge its obligations under the Education Act, the State has certain possibilities of intervention.

538. The basic steering documents are the Education Act, various ordinances on different types of school, the curriculum and the syllabus. The State is also responsible for teacher education and commands resources for in-service teacher training. Certain special measures for disabled pupils are taken through the Swedish Agency for Special Education (SIH) which, partly through its consultants, provides support and assistance to facilitate the schooling of pupils with disability.

539. The national goals and guidelines for education shall be distinct and verifiable. In order for the Government to be able to decide how the goals are achieved and to make long-term assessments of school policy, supportive documentation is also needed for high-quality follow-up and evaluation. The requirement of national equivalence applying to schools makes it particularly essential to be able to verify their achievements.

540. The State, however, does not regulate the way in which the municipalities are to organize their school activities: that is a question for the local authorities. Nor does the State prescribe the working routines, methods and procedures to be used in pursuit of the objectives. That is the responsibility of teachers and head teachers. The allocation of responsibilities adopted for schools implies a clearer apportionment between central, and local levels and between those who have to decide on the goals and emphases of activities, i.e. the politicians, and those who are tasked with their realization, which above all means teachers and school management.

541. The municipalities, then, are fully responsible for the organization and running of schools and also, as mandators, incur full employer responsibility for all school employees.

542. The mandatorship of special schools and Saami schools remains with the State.

The regulatory system

543. The right to education is inscribed in the Education Act, which lays down that all children and young persons domiciled in Sweden - regardless of sex, geographical whereabouts and social and economic circumstances - shall have equal access to education in the public sector school system for children and young persons, i.e. compulsory school, Saami school, special school, compulsory school for the intellectually handicapped and upper secondary school. Education in each type of school shall be equivalent, wherever in the country it is provided. Education is free of charge to the pupils. They should also be supplied free of charge with books, writing materials and other necessary aids to education.

544. The school system shall give children and young persons knowledge and skills and, in cooperation with their homes, promote their harmonious development into responsible individuals and members of society. Allowance shall be made in education for pupils in need of special support. The intention is for all pupils to achieve the goals indicated in the curriculum and the syllabus.

545. Activities in school shall be framed in conformity with basic democratic values. Every individual act within school shall promote respect for the dignity of every human being and respect for our common environment. In particular, persons active in school shall promote equality between the sexes and exert themselves to prevent any attempt by pupils to subject others to degrading treatment.

Education plan

546. Every municipality is required under the Education Act to have an education plan, setting out the measures which the municipality intends to take in pursuit of the national goals for the school system. The education plan shall be continuously followed up and evaluated.

Supervision

547. The educational authorities are basically responsible for the follow-up, evaluation and supervision of their school activities.

548. The National Agency for Education is the supervisory authority for the school system as a whole. The Agency confines its supervision to deciding whether or not the subject of scrutiny has been compatible with current provisions. Supervision can take place either in response to a complaint or because the Agency's follow-ups and evaluations may include deficiencies which ought to be checked.

549. Complaints to the Agency increased between 1 July 1995 and 30 June 1996 but have declined since then. It is hard at present to decide whether the decline constitutes a trend or is purely temporary. Some 400 complaints were received during the whole of the period in question. The proportion of decisions in which the educational mandator was criticized during this period was rather less than 60 per cent, which was down on the preceding year. Most of the complaints concerned compulsory school. The Agency also carried out investigations of more extensive areas on its own initiative. During 1996, for example, an investigation was made concerning the entitlement of pupils to special support in their school work and entitlement to be taught Swedish as second language and home language. Criticism is advanced by the Agency when the investigations show mandators to have defaulted on their responsibilities.

In-service training

550. The Education Act requires every municipality to ensure that in-service training is arranged for personnel in charge of education and to concern itself with the planning of in-service personnel training. The commonest areas of in-service training in compulsory school are:

(a) Development of curricular work;

(b) Pedagogical aspects of flexible school start;

(c) Cooperation between schools and child-care services;

(d) Information technology (IT) training for teachers;

(e) Inventory of compulsory schools for the intellectually handicapped.

551. The commonest in-service training areas in upper secondary school are the new curriculum, the new upper secondary school programmes and evaluation.

552. In-service training can also be an instrument for steering education. Most municipalities have not availed themselves of this possibility, but many are aware of it and perceive the importance of developing in-service training as an instrument of goal achievement.

Development plan

553. In a recent communication to the Riksdag, the Government has transmitted the Development Plan for Pre-school, School and Adult Education - Quality and Equivalence (skr 1996/97:112). In this development plan, the Government states its basic view of the education system and indicates priority fields for the coming two-year period. The Government is giving priority to work for developing the quality and equivalence of education.

554. The Government refers to the integration of pre-school, school and school child care as an important means of elevating the quality of these activities. The foundations of lifelong learning are already laid in pre-school education. The pedagogical role of pre-school should be strengthened and articulated, so as to lay solid foundations for subsequent learning.

555. The internal work of compulsory school needs to be developed, so that schools will be able to respond to all children according to their differing aptitudes and needs.

556. Upper secondary school development is addressed with particular reference to programme structure, programmes with vocational subjects and core subjects.

557. It is further emphasized that the quality development which must take place is a common responsibility of the State and municipalities and that the Government intends laying down guidelines of continuous quality assurance at the national level.

Basic principles

558. The basic principle of Sweden's school system, as stated earlier, is for all children and young persons, regardless of sex, geographical whereabouts and social and economic circumstances, to have the same access to education in the public sector school system. Both compulsory schools and upper secondary schools shall offer all pupils integrated and equivalent education in keeping with the nationally defined curricula and time schedules.

559. A strategic ambition of Swedish education policy is the creation of an open education system with no dead ends. Sweden has had a comprehensive basic school for more than 30 years now. The upper secondary school reform introduced recently implies an upper secondary school for all, in which no study programme is allowed to become a dead end, excluding pupils from active citizenship, a well-developed working life or further studies.

560. Swedish adult education has evolved over a long period of time and people today can take part in many different kinds of subsequent and further education all over the country. Basic, upper secondary and advanced adult education forms part of the education system.

561. Higher education of good and equivalent quality shall be offered at universities and colleges throughout the country. Higher education shall

confer good knowledge and skills for a changeable working life and a scientific approach, as well as contributing to all-round personal development.

Pre-school

562. Pre-school has the task of giving pre-school children educational stimulus and making it possible for their parents to combine economic or educational activity with parenthood. Pre-school is dealt with in connection with articles 26 and 18.

The public sector school system for children and young persons

563. The public sector school system for children and young persons now comprises compulsory school, Saami school, special school, compulsory school for the intellectually handicapped and upper secondary school. This education is free of charge to the pupils, who shall also be freely supplied with books, writing materials and other necessary educational aids.

564. All children domiciled in Sweden have to attend school, starting in the autumn term of the calendar year when a child is seven years old. The school starting age has been flexible since 1991, and a child can start school at the age of six if the custodian so requests and the municipality is able to provide a place. As of the 1997/98 school year, the municipalities must provide places for all children wishing to start school at the age of six. In the 1996/97 school year, 7.5 per cent of children starting school were aged six or under.

565. Compulsory schooling lasts for 9 years (10 years for special school pupils). It is normally completed in compulsory school, but can also be completed in an approved independent school, Saami school, special school or compulsory school for the intellectually handicapped. School ceases to be compulsory at the end of the spring term of the calendar year in which the child is 16 years old (17 years old for special school pupils). A pupil attending compulsory or special school who has not satisfactorily completed the final grade when the period of compulsory schooling ends but is judged capable of completing the education, shall be given the opportunity of doing so for up to two years after the end of the compulsory school period.

566. Although Swedish education policy is aimed at integrating as many as possible in the same type of school, this is not possible where pupils with severe functional impairment (above all visually handicapped, hard-of-hearing and deaf pupils) are concerned. Special schools have therefore been established for these categories. Rather less than 800 pupils annually attend special school. All expenditure involved is borne by the State.

567. A special form of compulsory school exists for intellectually handicapped pupils, the aim being to provide them with individually adapted education corresponding as closely as possible to that provided in regular compulsory school and upper secondary school. Rather fewer than 10,000 pupils attend compulsory school for the intellectually handicapped. Upper secondary schools for the intellectually handicapped - a continuation of compulsory school for these pupils - offer, on the same terms as regular upper secondary

schools, national, specially designed or individual programmes. Roughly 4,000 pupils attend upper secondary school for the intellectually handicapped.

568. It is the duty of municipalities to offer all young residents continued education in upper secondary school or in upper secondary school for the intellectually handicapped. Education of this kind can be started up to and including the first calendar half-year of the year in which the pupils attain the age of 20. A pupil who has commenced this education is entitled to complete it.

569. Pupils coming from abroad and pupils with a mother tongue ("home language") other than Swedish are entitled to supportive teaching, home language teaching and lessons in Swedish as a second language. Home language teaching will be considered more closely in the section relating to article 30.

570. Children residing in Sweden pending the decision of a residence permit application or under comparable circumstances who would have been liable for compulsory schooling if they had been domiciled in this country have to be admitted to compulsory school in the municipality where they are living.

Compulsory school

571. The purpose of compulsory schooling is to give pupils the knowledge they need as individuals and citizens. This schooling shall also form the basis of subsequent education in upper secondary school.

572. The majority of pupils complete their compulsory schooling in municipal compulsory school, usually in their municipalities of residence. Parents whose children are of compulsory school age are entitled, however, within certain limits, to choose which school their children will attend. Parents can also opt for an approved independent school. Compulsory school is free of charge. Education at approved independent schools receiving grants from the pupils' municipalities of residence is also free of charge.

573. For every subject taught in compulsory school, there is a syllabus adopted by the Government, indicating the general focus and character of the subject. The syllabuses also indicate the goals for each course in the subject and the goals which all pupils are to achieve after the fifth and ninth years of school. Compulsory school does not, in principle, include any vocational education.

574. The time schedule, which is included in the Education Act and thus adopted by the Riksdag, indicates a total guaranteed number of hours (6,665). This is the minimum number of teaching hours (guaranteed teaching time) to be offered to the pupils.

575. Schools decide for themselves how teaching is to be distributed between the nine grades of compulsory school. After the fifth year of school, the pupils' achievements are measured against the achievement targets defined in the syllabus.

576. The time schedule also provides scope for the pupil's own electives and for school electives. These electives are allotted roughly 13 per cent of the total number of teaching hours. The governing body of a school is at liberty to decide how these hours are to be spread out over school time, the school year and the school day.

577. A leaving certificate is awarded on completion of compulsory school. Of the 100,045 pupils completing grade 9 in the spring term of 1996, incomplete leaving certificates were obtained by 5,775 (5.8 per cent) - that is, marks were lacking for one or more subjects. Of these pupils, 2,480 (2.5 per cent) lacked an award for one subject, 2,792 (2.8 per cent) lacked awards for two subjects and 503 (0.6 per cent) had no awards for any subjects. Incomplete certificates are most often due to high absenteeism, to the pupils having attended lessons in their home language/Swedish as a second language, or to their having had an adjusted study programme. Slightly more boys than girls have incomplete certificates. Just as previously, there are great differences between municipalities. In the metropolitan cities, 7.2 per cent of the school leavers were missing at least two awards. Many municipalities, however, have very low percentages. In 25 per cent of municipalities, the figure was 1.1 per cent or less.

Special school

578. There are eight special schools at compulsory school level. Of these, five are regional schools for the deaf and hard-of-hearing and three provide instruction for pupils with multiple disabilities. The number of pupils attending special school has risen by about 100 since 1992. In the 1996/97 school year, 789 pupils with severe functional impairment, most of them deaf, were being taught at one or another of these special schools. The State is in charge of special schools and pays all the pupils' expenses. Expenditure for the period between 1 July 1994 and 31 December 1995 totalled approximately SKr 306 million.

579. Special school teaching strength in the 1996/97 school year amounted to 290 whole-time equivalents. The number of teachers per 100 pupils fell from 38.0 to 36.8 between the 1992/93 and 1996/97 school years.

580. Affiliated to the special schools are remedial knowledge or resource centres where problems concerning a pupil's functional impairment can be investigated and where parents, teachers and other personnel can obtain information, pedagogical guidance and in-service training concerning the child's functional impairment. Expenditure between 1 July 1994 and 31 December 1995 totalled approximately SKr 48 million.

Compulsory school for the intellectually handicapped

581. Compulsory school for the intellectually handicapped (*särskola*) comprises compulsory *särskola* (basic *särskola* and training school) together with upper secondary school for the intellectually handicapped with national, specially designed and individual programmes. The purpose of this education is to give intellectually handicapped children and young persons instruction adapted to the aptitudes of each individual and corresponding as closely as possible to that provided in regular compulsory and upper secondary schools.

The curricula adopted by the Government for the compulsory school system (Lpo 94) and the non-compulsory schools (Lpf 94) also includes särskola. Programme objectives have been defined for the national programmes of upper secondary school for the intellectually handicapped. Syllabuses have been adopted for the whole of särskola. After completing their nine years' compulsory schooling, särskola pupils are entitled to a tenth, optional school year in compulsory särskola. Upper secondary school for the intellectually handicapped offers four years' studies. These can be commenced up to and including the first half of the calendar year in which the pupil is 20 years old.

582. Under the Riksdag policy resolution, responsibility for särskola should have been transferred from the county councils to the municipalities before the end of 1995. Education was being arranged in the autumn of 1996 in 243 municipalities and 2 county councils (recruiting nationally). Education was also provided in 21 independent schools.

583. Särskola in the autumn of 1996 had about 14,000 pupils. The total number has increased in the 1990s. Pupil strength has grown by 20 per cent in compulsory särskola since the 1992/93 school year, as compared with 8 per cent in regular compulsory school. The corresponding increase in upper secondary school for the intellectually handicapped was 11 per cent, whereas student rolls in regular upper secondary school have declined by 0.2 per cent. The National Agency for Education has been commissioned by the Government to present, not later than 1 February 1998, a follow-up and evaluation of the consequences of the change of mandate. This assignment also includes observing pupil development.

584. For the 1996/97 school year there are about 6,400 pupils attending basic särskola, 3,500 attending training school and about 4,000 in upper secondary schools for the intellectually handicapped. Approximately 10 per cent of särskola pupils are integrated with regular compulsory or upper secondary schools.

585. Expenditure on public sector särskola in 1995 totalled SKr 2,500 million, of which the municipalities incurred 79 per cent and country councils the remainder. Average expenditure per pupil was SKr 203,800, which (in fixed money terms) was roughly 1 per cent down on the previous year. In 1995, in contrast to previous years, expenditure per pupil in särskola was higher under municipal than under county council auspices. These figures may be uncertain, however, due to the transfer of mandatorship to the municipalities. They may also include non-recurrent expenses connected with the chance.

586. Seventy per cent of municipal expenditure on särskola referred to compulsory särskola. The remaining 30 per cent concerned upper secondary school for the intellectually handicapped. The särskola population being extremely heterogeneous, expenditure per pupil can vary considerably. If extreme figures are disregarded, since they are probably due to specific conditions, expenditure on compulsory särskola comes to between SKr 132,000 and 297,000 per pupil and expenditure on upper secondary schools for the intellectually handicapped to between SKr 84,000 and 305,000 per pupil.

587. One of the most important tasks of särskola is to equip the pupils well for active daily living and to prepare them for adult life. The degree of intellectual handicap varies a great deal from one pupil to another, added to which, many have one or more additional functional impairments. In the autumn of 1996 there were 4,600 teachers (which equals about 3,300 full-time teachers) serving in särskola. Ninety-five per cent of särskola teaching staff had teaching qualifications. According to an inspection carried out by the National Agency for Education during the spring of 1996 in three municipalities with particularly steep rises in pupil numbers, the increase was primarily attributed to the municipalization of särskola having brought it closer to the municipal residents. This had made the activities more acceptable to parents. In addition, compulsory schools had cut down on resources for pupils with special needs. No pupils not belonging to the särskola clientèle had been admitted to särskola in the municipalities investigated. Up to and including the 1999/2000 school year, an experimental scheme is being operated under the Experimental Activities (Greater Parental Influence on the Schooling of Intellectually Handicapped Children) Act (1995:1249). Under this Act, if custodians do not consent to an intellectually handicapped child being taught in compulsory särskola, the child is to be admitted to regular compulsory school.

Saami school

588. The Riksdag has affirmed on several occasions that, for as long as the Saami themselves desire it, they are to have two equivalent educational opportunities, namely Saami school and municipal compulsory school.

589. There are six Saami schools in Sweden. Both Swedish and Saami are taught in these schools from grade 1 to grade 6. As from grade 7, pupils attend municipal compulsory school in their home area. The State is mandator for Saami schools and covers all expenditure.

590. For the 1996/97 school year there are 145 pupils attending Saami schools. Teaching strength in Saami schools during the 1996/97 school year amounted to 25 full-time teachers, with 17.3 teachers per hundred pupils.

591. Saami pupils choosing not to attend Saami school complete their compulsory schooling in municipal compulsory schools. These pupils are entitled to home language instruction which, in addition to the Saami language, also includes Saami culture; see also the section referring to article 30. Total expenditure on Saami school between 1 July 1994 and 31 December 1995 amounted to some SKr 18 million.

Upper secondary school

592. It is the duty of municipalities to offer all young residents post-compulsory education. The offer applies until they are 20 years old and it must include an all-round selection of programmes arranged within the municipality or elsewhere. A pupil who has commenced an upper secondary school study programme is entitled to complete it.

593. It is possible in upper secondary school to arrange special classes, e.g. with smaller numbers of pupils, for pupils with vision or hearing

impairment or with physical disabilities. For the deaf and hard-of-hearing, specially adapted upper secondary school studies are offered in one place in Sweden. For physically disabled pupils at upper secondary level, there are schools with specially adapted conditions in four locations.

594. Pupils attending upper secondary school are entitled to upper secondary study assistance, at present SKr 640 monthly for nine months in the year, and certain supplements, e.g. boarding allowance and extra allowance for financially disadvantaged families.

595. Upper secondary schooling has undergone great changes in the past 25 years. The 1970 reform of upper secondary school had the effect of amalgamating high school (gymnasium), continuation school and vocational education into a single administrative unit, upper secondary school, in which all types of theoretical and vocational study programmes were integrated. Throughout the 1970s, upper secondary school was adapted to the needs of the labour market.

596. A new restructuring began at the end of the 1980s. The almost 50 programme lines and 450 specialized courses of upper secondary school were amalgamated to form 16 national programmes, as resolved by the Riksdag in 1991. The reform upper secondary school was introduced in 1992/93 and, as of the 1995/96 school year, has been operational throughout the country. The main object of the upper secondary school reform was to raise the general level of education and to prepare students for lifelong learning, a process in which recurrent education is becoming increasingly common. Upper secondary school today provides preparation for higher studies, vocational activity and community participation.

597. Upper secondary schools can be run by municipalities, county councils or independent education providers. Public sector upper secondary schools are headed by a head teacher and one or more assistant school managers. The number of pupils varies between 300 and 1,500, and there are usually about 30 pupils per class.

598. Upper secondary schooling exists in most municipalities (274 out of 286). If a municipality does not have an upper secondary school of its own, or if the range of study programmes is small, the pupils can attend upper secondary school in another municipality. This is made possible by special cooperation agreements between the municipalities concerned.

599. Upper secondary schooling is divided into a variety of programmes - national, specially designed or individual. The number of places for the various programmes shall be adapted to the pupils' preferences. The aim is for all young persons to complete an upper secondary school programme which confers knowledge corresponding to the national programme objectives.

600. There are 16 three-year national programmes. All of them include special core subjects - Swedish, English, mathematics, civics, religious education, general science, physical education and health and aesthetic activity. The national programmes are frames within which the pupils can opt for various specialities. During the second and third years, some programmes

provide scope for specialization in the form of nationally defined branches, but it is also possible for a municipality to establish a local branch, i.e. studies adapted to local conditions and educational needs.

601. The pupil chooses which programme he or she is to take. If that programme is not offered by the municipality of residence, the pupil is entitled to apply for it in another municipality. If the pupil is accepted there, the municipality of residence has to pay for the studies.

602. Specially designed programmes are an alternative for pupils whose preferences are not accommodated within the 16 national programmes. Normally, these specially designed programmes are also of three years' duration, and they always include the eight core subjects. They can also consist of courses from different national programmes or locally adopted courses.

603. The national and specially designed programme shall be capable of forming a basis on which students can continue education at post-secondary level or engage in vocational activity.

604. It is the duty of municipalities to offer individual programmes to those young persons who have not been accepted for national or specially designed programmes. The main purpose of the individual programme is to support continuation of the pupil's education in a national or specially designed programme. The programme can also be used for training for unusual occupations or for an apprenticeship in which studies are combined with employment.

Content of education

605. In addition to the eight core subjects, which make up roughly one third of their studies, the pupils take subjects which are specific to their study programmes. All programmes include a special assignment, which involves the pupils independently undertaking and presenting an investigative task. In all programmes, time is reserved for the pupils' individual electives.

606. The Education Act indicates a minimum guaranteed teaching time for every programme. For the vocational programmes, the guaranteed teaching time is 2,370 hours, and for other programmes it is 2,150.

607. All programmes except the artistic, scientific and social scientific ones include workplace training, with at least 15 weeks' teaching time based on a workplace away from school.

608. The curriculum (Lpf 94) indicates the overarching achievement targets, i.e. goals which schools and pupils are to aim for and goals which are to be achieved. For all national programmes there are nationally defined programme goals, while for the specially designed programmes which are offered there are locally defined programme goals. there are syllabuses for all courses. National syllabuses are defined by the Government (for core subjects) and by the National Agency for Education (for programme-specific subjects). Local courses are adopted by the educational mandator.

609. The head teacher has a special responsibility for ensuring that study and vocational guidance activities are organized in such a way that the pupils receive counselling prior to the various electives which schools offer and before choosing their next educational path. Most schools have specially trained staff in charge of their study and vocational guidance.

610. Upper secondary school pupil strengths have not varied significantly in the past six school years.

Pupil numbers, 1992-1996

	Upper secondary schools total	Municipal schools	County council schools	Independent schools
1992	310 261	276 267	28 780	5 214
1993	313 662	281 216	26 876	5 570
1994	309 952	279 509	24 375	6 068
1995	312 375	284 484	20 691	7 200
1996	309 661	283 462	17 886	8 313

Source: The National Agency for Education.

611. An increasing proportion of compulsory school leavers (87 per cent in 1991 and 98 per cent in 1995) are going straight on to upper secondary school. Nearly half these pupils (44 per cent) take the science and social science programmes. Interest in the science programme has grown year by year over the past four-year period. Upwards of 101,000 pupils left compulsory school in the spring of 1996. In the following autumn term, over 22,000 (21.9 per cent) took this programme in grade 1 of upper secondary school. the corresponding figures in 1993 were, respectively 98,300 and 17,900 (18.2 per cent). Second to these two national programmes, individual programmes attracted the largest number of first-time students (some 13,700) in the 1996/97 school year.

612. Upper secondary schools in 1996 had over 2,000 pupils with some kind of functional impairment. This was approximately 7 per cent down on the previous school year. Roughly a quarter were studying at a national upper secondary school for the deaf, hard-of-hearing or physically disabled. More pupils than before in this group were taking the science or social science programme or an individual programme.

Results

613. About 84,400 pupils concluded upper secondary school lines and programmes in the 1995/96 school year. Virtually all of them had completed a three-year programme. Less than 10 per cent had studied under the old system of lines and less than half had taken a programme with vocational subjects.

614. Out of 110,800 pupils entering the first year of upper secondary school in 1992, over 95,600 (86 per cent) had obtained leaving certificates four

years later, i.e. at the end of the 1995/96 school year. Of the 17,000 or more pupils taking a study programme, 87 per cent had completed their courses, while for pupils opting for lines of two or three years' duration the corresponding figure was 91 per cent.

615. The percentage of pupils not completing their studies within four years declined successively among those enrolling in 1988, 1989 and 1990. The percentage has risen again slightly in the past very few years, but it was still lower among those who started in 1992 than among those starting in 1989. From 1992 onwards there has also been a distinct rise in the number of pupils with incomplete leaving certificates, i.e. pupils who have not attained marks for all the subjects or courses.

616. Average terminal marks for upper secondary school pupils in the spring of 1996, however, were higher than in previous years for the majority of programmes. That year, however, two different five-point scales of assessment were in force. Consequently, the average level of marks is not a suitable yardstick of goal achievement in upper secondary schools.

617. Compared with the end of the 1980s, a progressively larger percentage of upper secondary school pupils today are going on to higher education. Twenty-four per cent of students completing their upper secondary schooling in 1989 went on to higher education within three years. The corresponding figure for those completing their upper secondary schooling in 1992 was 34 per cent.

618. The percentage of adult Swedes with at least upper secondary school education is relatively high by comparison with other countries. Seven out of 22 OECD countries investigated (the United States of America, Germany, Switzerland, Norway, England, the Czech Republic) have higher percentages. There are nearly twice as many Swedes aged between 20 and 24 with upper secondary schooling (about 70 per cent) as between 55 and 64. Between 1986 and 1996, the percentage of Swedes between the ages of 25 and 64 with three or two years' upper secondary schooling as their maximum level rose by 2 and 5 per cent respectively.

619. In the 1995/96 school year there were upwards of 28,900 teachers in upper secondary school. Nearly 3,000 of all teachers were serving in county council schools and upwards of 1,000 in independent upper secondary schools. About 85 per cent of all serving teachers had pedagogical qualifications, which was about five percentage points fewer than for the 1992/93 school year. Among both teachers and school administrators in upper secondary school, men slightly outnumbered women. Men comprised about 52 per cent of teachers and about 60 per cent of school managers.

620. Fifty per cent of upper secondary school pupils in 1996 were girls. Although the new programme structure was intended to produce a more even balance of the sexes as regards study subjects chosen, a great deal of variation remains. Programmes with technical vocational subjects (electricity, energy, vehicle engineering and industry) are greatly dominated by boys, whereas the child recreation, handicraft and health-care programmes are dominated by girls.

621. Realization of the reform means heavy demands on upper secondary schools. Changes to the content of activities and to the internal organization of education and teaching have made different degrees of headway, mainly because school authorities have introduced the reforms successively. There are differences between schools, but also within schools. Consequently, the quality of education varies in relation to the new goals.

622. A new marking system of goal- and achievement-related marks has been introduced as part of the reform. Although those concerned are in favour of the system as such, there has been uncertainty regarding the requirements for the different marks in different courses. The reforming process of the initial years has been characterized by discussions between teachers and pupils to arrive at a consensus view of what the national goals and criteria correspond to in concrete teaching, when local goals and criteria are being formulated. Changes are being made to the organization of studies and work, as a result of education now being course-structured and managed by objectives. Management by objectives is achieving a progressively greater impact, while the national time schedule of guaranteed teaching time is diminishing in importance. Teaching time on one and the same course can be adapted to the pupils' needs and varied according to different pupil groups to an extent which was not possible under the old system.

Independent schools

623. There were 266 independent schools in the 1996/97 school year. In the 1995/96 school year there were 238. The total number of pupils is upwards of 23,00.

624. In keeping the Riksdag resolution with reference to Government Bill Independent Schools Etc. (Prop. 1995/96:200, bet. 1996/97 UbU 4, rskr. 1996/97:14), new provisions came into force on 1 January 1997. These are to apply to education occurring after 1 July 1997. Among other things they lay down that an approved independent school declared eligible for grants should be awarded grants by the pupils' municipalities of residence on the same grounds as apply to the allocation of resources to the municipalities' own schools. this means that the municipalities are to take into account the aggregate expenditure of the independent school, according to the school's commitments and pupils' needs. Municipalities are expected to take into account that independent schools can have certain higher expenses, e.g. as regards value added tax.

625. Tuition at an independent compulsory school receiving a public grant now has to be free of charge to the pupils to whom grants refer. In common with municipal schools, only occasional items may occur which can involve the pupils in a negligible amount of expenditure.

626. The average cost per pupil in independent compulsory schools in 1995 was SKr 47,300. Independent upper secondary schools can also be declared eligible for public support from the pupils' municipalities of residence, if their tuition provides knowledge and skills essentially corresponding, by nature and level, to the knowledge and skills which upper secondary schools are required

to communicate through national or specially designed programmes. Special State grants are paid for "supplementary" schools at upper secondary level and for national boarding schools.

627. In the 1996/97 school year there were 49 independent upper secondary schools with 5,868 pupils, 27 supplementary schools with 1,569 pupils and three national boarding schools with 876 pupils. The total number of pupils is 8,313, as compared with 7,200 for the 1995/96 school year.

628. Average expenditure per pupil in independent upper secondary schools in 1995 was SKr 64,800. This was 5 per cent up on the previous year.

629. Similarly, independent schools can also be made entitled to public support from the pupils' municipalities of residence if education at such a school corresponds to the education provided, respectively, in compulsory särskola and compulsory upper secondary school for the intellectually handicapped. In the 1996/97 school year there were a total of 21 independent schools corresponding to compulsory särskola and upper secondary school for the intellectually handicapped, and they had, respectively, 234 and 207 pupils. The corresponding figures for the preceding school year were 18 independent schools with 219 and 186 pupils respectively.

Higher education

630. Higher education in Sweden comprises basic higher education and research training. Basic higher education also includes in-service and further education.

631. The Riksdag and Government have adopted an order of examination indicating which degrees may be offered and what requirements are to be met for each of them. This order of examination comprises five general degrees and upwards of 40 vocational degrees. The National Board of Higher Education decides which educational establishments are entitled to confer various degrees.

632. There are 34 national universities and colleges throughout the country and 19 county council colleges of health sciences. To these are added 13 private education providers, including two foundation colleges.

633. Admission requires basic eligibility and, usually, special eligibility as well. Basic eligibility is possessed by applicants who have completed a national or specially designed programme of upper secondary schooling and have achieved a certain level of marks or have the corresponding Swedish or foreign education or have acquired corresponding knowledge through other activity. General eligibility is also possessed by persons attaining the age of 25 not later than the calendar half-year when the studies begin who have been vocationally active for at least four years prior to the calendar year in which the studies begin or have otherwise acquired corresponding experience and have a knowledge of Swedish and English corresponding to completion of national programme in upper secondary school.

634. In the selection of applicants for basic higher education, one or more of the following selection criteria shall be used: marks, university aptitude test, some other special tests, previous education and work experience.

635. All public university and college education is free of charge to the students. National study assistance in the form of grants and loans is provided for students taking the programmes specified by the Government. The purpose of study assistance is to cover the students' living expenses. Students with functional impairment at any folk high school, university or college can obtain "carer service" through the National Agency for Special Study Assistance (SIUS).

International cooperation

636. Swedish schools and the Swedish school system are characterized by a growth of international cooperation. The most important cooperation bodies are the EU, the OECD and the Council of Europe.

637. Sweden has been a full participant since 1995 in the EU Socrates and Leonardo da Vinci educational programmes. Primarily, it is Swedish educational institutions, schools and universities which take part in these programmes. Under the programmes a great deal of cooperation occurs which affects all education from pre-school to university. Both vocational education and education of a more general nature are included. Programme inputs primarily concern teachers and pupils, but school management and administrators are also eligible. During 1995 and 1996, Swedish schools took part in nearly 300 different projects under the school part of the Socrates programme (Comenius). Swedish schools acted as coordinators in 71 of these projects. In the field of adult education, Swedish institutions took part in 12 projects, with coordinator status in six of them. In addition, over 600 Swedish students and 250 teachers have taken part in exchange activities under the LINGUA languages programme, which is also a part of Socrates. A large number of schools are also taking part in projects under the Leonardo da Vinci vocational education programme.

638. Educational cooperation within the OECD is mainly concerned with the analysis and discussion of educational policy issues. Reviews of national educational systems and thematic overviews of certain topics in the member countries are recurrent activities. Current OECD projects are concerned, for example, with pre-school eduction and the transition between school and working life.

639. Council of Europe activities in the eduction sector are to a great extent concerned with the new member States of Central and Eastern Europe. Sweden plays an active part on the Council of Europe Education Committee. Among other things, the Council is engaged on a three-year project concerning education for European citizenship in schools and adult education.

640. Another project concerns the teaching of twentieth century history at educational levels corresponding to the senior level of compulsory school and the level of upper secondary school in Sweden.

2. Educational goals (art. 29)

641. Concerning, among other things, the purpose of the child's education, reference is made to statements in connection with article 28 above.

Cooperation with NGOs

642. Voluntary organizations and associations play a prominent part in Swedish democracy, and schools shall therefore support the organizations and popular movements and the outdoor activity organized by young people themselves. Cooperation between schools and their parent-teacher associations is often intensive. Representatives of political and religious associations, for example, are invited to describe their activities. Pupil associations of various kinds organize activities both in and out of school hours.

643. At the national level, cooperation with parents' and students' organizations proceeds through the National School and Home Union and the Swedish Union of School Students. The National School and Home Union (representing about 300,000 families) serves as a source of ideas and a service agency for the local associations and is the representative of parental opinion. The Swedish Union of School Students (with about 25,000 members) is the union organization of compulsory school and upper secondary school pupils. It works to achieve a democratic school based on solidarity and equality and respect for the needs and equal dignity of all human beings.

3. Leisure, recreation and cultural activity (art. 31)

644. The demands expressed in this article concerning the child's participation in cultural life do not form the subject of special laws in Sweden. In various connections, however, the Riksdag and Government have emphasized the importance of children being enabled to take part in cultural life.

645. The 1974 resolution on cultural policy highlighted the importance of measures for children's and young persons' activities, and these have since been a priority field both for the State and for municipalities and county councils. In the allocation of funding support to regional institutions, emphasis is placed on measures for children and young persons. Special State funding has been available to support activities of this kind, but most of the inputs have been financed out of institutional funding allocations.

646. A significant portion of municipal cultural spending has concerned measures for children and young persons. Municipal schools of music cater exclusively to these groups, and the same goes for a large proportion of public library initiatives. Many ad hoc, independent cultural groups address themselves to children and young persons. During the period under consideration, cultural amenities have increased in many subsectors, and so have the numbers of children taking part.

647. Most children are far more culturally active than adults. At the same time, children depend on adults. Attitudes, education and activities at home, in pre-school and in school have a crucial bearing on children's opportunities

of participating in cultural life. Surveys of cultural habits have indicated a certain decline in children's reading. That decline, however, is from a high level.

648. In the Cultural Policy Bill presented in September 1996 and adopted by the Government in December 1996, literature, language and reading occupy a prominent position, as reflected, for example, by the Libraries Act. Literature purchasing support has been introduced for public and school libraries. This grant is primarily to be applied to the purchase of fiction for children and young persons. The terms of reference of the Books and Cultural Journals Commission appointed in 1997 affirm that the State shall help to give children and young persons access to literature.

649. Large parts of children's and young persons' cultural experiences are built up through encounters with cultural activity in school and pre-school. The working group Culture in Schools, tasked with strengthening the cultural dimension in school, has existed since the autumn of 1995. Strategies have to be found whereby the consumer environments of children and young persons will offer quality encounters between cultural life and schools, both in experience and in personal creativity. The role of culture in schools has been included in steering documents since 1974.

650. Support for young persons' cultural creativity is reinforced through subsidies for music and the theatre. The municipal schools of music are an important part of both children's culture and juvenile culture. During the period under consideration, several of them have developed into arts schools. Music and the arts schools are reinforced by a number of child cultural centres.

651. All national museums maintain activities for children, and at certain of them children make up more than half the total number of visitors. Work is in progress at several museums to develop measures targeting young persons.

652. The Council for Cultural Affairs, which is a national authority, supports child and youth culture primarily within the framework of general supportive arrangements for the arts. The Council also supports development projects in the field of child and juvenile culture. It observes, publicizes and evaluates measures for child and juvenile culture. Activities focusing on children and young persons have priority among the Council's operational goals. Since 1993 the Council has been working on the basis of a Cultural Programme for Children and Young Persons, a programme document compiled at the instance of the Government. Within the development funding at the Council's disposal, a separate allocation has been made for child and adolescent culture. Measures taken have included dance promotion activities for children and young persons, the pilot project Mustering Young People for the Arts, and a succession of reports and conferences dealing with methods and development opportunities in this field. The Council plans to evaluate the whole of the period between 1993/94 and 1995/96.

653. Comprehensive development work is conducted within the National Board for Youth Affairs to give young persons the possibility of creating a stimulating, activating leisure for themselves, e.g. projects aimed at

developing democracy in youth activities and projects seeking to highlight and strengthen girls' activities. Development work relating to cultural projects and social orientation projects is another example.

654. In addition to the continuous contacts maintained by the National Board for Youth Affairs with municipalities and NGOs concerning young persons' prospects of rewarding leisure, development work often takes the form of State project support to the NGOs. Partly, this takes the form of grants from the State Inheritance Fund, distributed continuously by the Inheritance Fund Delegation, and with support from the national budget.

655. The national goals for school, pre-school and school child care emphasize the importance of play for children's learning and development. Giving children inspiration plenty of time, space and materials for their games is viewed as a vital task for both schools and child-care services.

656. Play therapy for children in hospital is another field of long-standing pioneering work in Sweden. The great majority of paediatric hospital departments now have special play therapists employed to supply play materials, take part in the children's play, activate and stimulate the games of sick children and create a child-friendly environment in hospital.

657. Under the Toys Safety Act (1992:1327) and the accompanying Ordinance (1993:971), a businessman may sell toys only if they meet the requirements defined by the National Board for Consumer Policies for the protection of health and safety. An entrepreneur in breach of such a prescription can be fined or sentenced to imprisonment. Similar provisions exist concerning bicycle helmets, life jackets and other personal protective equipment for private use.

658. Attention has been drawn to the importance of play opportunities close to children's homes. Support for measures of this kind is provided, for example, through the Planning and Building Act. Suitable places for play, exercise and other outdoor activity shall be provided within or adjoining areas of contiguous settlement. The provisions concerning free spaces for play and outdoor activity are to be seen as implying that persons living in or near the settlement area must have access to the kind of leisure facilities and green spaces, etc. which people generally consider necessary for a full life in the community. The Act further stipulates that development sites shall have sufficient free space of a suitable kind for outdoor activity and play on the site or in spaces close to it. If sufficient space is not available for arranging both parking and a free space, priority shall be given to a free space.

659. There is probably some justification, however, for the view that measures on behalf of children sometimes have to defer to commitments in other areas. It is incumbent on the self-governing municipalities, when balancing different interests, to ensure that the needs of children are provided for.

660. A national information system on youth exchange is in preparation. This has been prompted by an increased need for concerted information in this field. Individual youngsters or groups of youngsters will thus be able more

easily in future to obtain advice and assistance with contacts. Before starting a journey they will be able to obtain information about the country, organization or activity concerned.

661. As of 1993, Sweden has also been taking part in the Youth for Europe programme, which is concerned with encouraging contacts and travel for young persons through school and university exchanges, and at giving youngsters a European identity. The programme is addressed to young persons between the ages of 7 and 25. Priority is given to young persons who for economic or geographical reasons have little chance of taking part in youth exchange programmes in another member country. The National Board for Youth Affairs has been responsible for these activities since 1 July 1996, and also for coordination and information concerning international youth exchange.

662. Sweden has also been taking part since 1996 in a pilot project concerning European voluntary service for young persons. Under this project young persons can take part as volunteers in a non-profit project in another member country. The National Board for Youth Affairs has been responsible for these activities since 1 July 1996, and also for coordination and information concerning international youth exchange.

663. One of the main themes of Sweden's contributions to the World Decade for Cultural Development (1988-1997) is the possibilities and problems of the multicultural society. The committee responsible for implementation in Sweden awards funding to projects for the promotion of good ethnic relations, not least among children and young persons. As part of the Decade the Immigration Board, acting in collaboration with SIDA (the Swedish International Development Cooperation Agency) has developed working methods for teaching of international affairs in schools.

H. Special protective measures

1. Children in distress

(a) Refugee children (art. 22)

International commitments

664. Sweden has acceded both to the 1951 Convention relating to the Status of Refugees (the General Convention) and its 1967 Protocol (the New York Protocol). To this are added, for example, the guidelines concerning asylum-seeking minors unaccompanied by custodians which were adopted by UNHCR in 1997 and the guidelines adopted by UNHCR in 1988 concerning the treatment of refugees.

Possibilities of applying for and obtaining residence permits

665. Children have the same right and opportunity of applying for asylum in Sweden as adults. A child can in its own right be granted refugee status or a residence permit on some other grounds. Asylum, under the Aliens Act, refers to the grant of a residence permit to an alien because he is a refugee in accordance with the criteria of the Geneva Convention. Permits can also be awarded on other protective grounds. The Aliens Act defines three other

categories of persons in need of protection, namely (1) a person who entertains a well-founded fear of suffering capital or corporal punishment or of being subjected to torture or other inhuman or degrading treatment or punishment, (2) a person who, on account of an external or internal armed conflict needs protection or on account of an environmental disaster cannot return to his country of origin, or (3) a person who, on account of his sex or homosexuality, entertains a well-founded fear of persecution.

666. It can be mentioned in this connection that when refugee status is awarded to one or both parents, the entire family acquires the same status, in keeping with the principle of the unity of the family.

667. The Convention on the Rights of the Child does not itself make any stipulations concerning the availability of residence permits on humanitarian grounds. The best interest of the child, however, is a circumstance which must always be taken into account in connection with a residence permit application. This is done partly through the possibility which the Aliens Act affords of granting residence permits on humanitarian grounds.

668. An important clarification of the Swedish Aliens Act took place with the amendments which entered into force on 1 January 1997. As a result of the amendment referred to here, the opening section of the Aliens Act states in so many words that in cases involving a child, special regard shall be had to the requirements entailed by consideration of the child's health and development and the best interests of the child generally. This amendment was based on article 3 of the Convention. The new provision will be of importance in a number of situations, for example, when an assessment has to be made as to whether strong enough humanitarian reasons shall be deemed to exist for the award of a residence permit. As the travaux préparatoires of the Act show, somewhat less exacting requirements can then be made concerning the strength of humanitarian grounds when children are affected. The opening provision, however, is worded in such a way that it is material not only to the assessment of humanitarian grounds for the award of a residence permit but is also of real significance throughout the asylum-granting process.

669. Concerning minors unaccompanied by a custodian, it has been stated, under the heading Family Reunification, that, in the absence of grounds for a residence permit, children are in the first instance to be reunited with their parents where the parents are living. In this connection it is worth pointing out that a child in this situation is never returned to the country of origin or to any other country unless it is ascertained that parents or some other adult will take proper care of the child. It must also be said that these children, if their parents cannot be traced, are granted Swedish residence permits. Residence permits, according to the travaux préparatoires of the Aliens Act, should be granted for a limited period in cases where need of protection, family connection or humanitarian reasons do not call for the grant of a permanent residence permit. The reason for this is the situation already described as commonly occurring, namely that of parents sending their children to Sweden with a view to subsequently applying for family reunification. The grant of a fixed-term permit makes it possible to avoid an inconsistent application of the Aliens Act which would encourage evasion of

the rules of immigration. If, however, a child is found, after careful investigation, to be genuinely abandoned, the travaux préparatoires state that a permanent residence permit should be granted.

Investigations

670. As regards the actual investigation process, it can be noted that as from 1 January 1997 the Aliens Act was made to include a provision whereby, in the assessment of permit questions under the Aliens Act, it shall be made clear, except where manifestly inappropriate, what a child affected by a decision in the matter has to say and that what is said shall be taken into account as far as is justified by the child's age and maturity. Clarification, then, must extend further than the child's opinion. Nor has it been deemed sufficient to allow parents to express the child's view if there can be a conflict of interests between child and parent. Nor is it certain that a parent will be capable in every situation of conveying the child's opinions. The travaux préparatoires of the new provision show that not only grounds for asylum but also other circumstances which may be material to the question of a residence permit must be brought out. The Act does not specify an age from which children must be given a hearing. It must be left to the Immigration Board to decide, according to the individual child's age and maturity, in what way the child is to be given a hearing.

671. In this connection, attention must be drawn to the problems entailed by a provision of this kind. It is not always in the child's best interests to be given a hearing. In certain cases the child may find itself in an exposed situation, under pressure from parents and itself wholly to corroborate the particulars furnished by the parents in support of the family's residence permit application. In cases where the parents' account is incorrect, this may be too difficult a task for the child. Even if the child's narrative has not played any part in the refusal of the application, the child itself, not least, may believe this to be the case. This is a dilemma and it shows that deciding what is best for the child is not always easy. Inevitably, the child's submissions may affect the investigation of the family as a whole by shedding better light on the circumstances of the matter.

672. Residence permit applications by children arriving in Sweden unaccompanied by a custodian are dealt with promptly, with priority and by officers with special competence for the task. As regards cases involving children, a great deal of methods development work has taken place in recent years within the Immigration Board, as regards reception and investigation.

673. After the child has filed its application, it is referred to one of two "group lodging homes" where all children are enrolled who do not have a custodian in Sweden. If the child has relatives in Sweden who are prepared to have the child to stay with them, the child's stay in the group lodging home will be only temporary, pending approval of the relatives' home as a temporary family home by the municipal social welfare committee. Continuous contact is maintained with children living with relatives. In certain cases home visits are made as well. Through the good offices of the group lodging home, a guardian ad litem is appointed for the child and public counsel retained.

674. The asylum investigation conforms on the whole to the UNHCR standard pattern for the investigation of minors without custodians. During the investigation a description is compiled of the way in which the child lived before coming to Sweden. An action plan is also drawn up for each individual child, and any relatives in Sweden are contacted during the investigation.

675. The Child Committee mentioned previously found that the Immigration Board's investigations concerning unaccompanied children satisfied the requirements more adequately than investigations concerning children living in families. It is in the nature of things that the need for investigating the child's own grounds diminishes if it is already clear that the submissions made by the parents constitute grounds for awarding the family a residence permit.

Handling times

676. The Immigration Board's aim is for matters concerning asylum-seeking minors unaccompanied by a custodian to be decided as quickly as possible. Cases of this kind are also given priority by the Alien Appeals Board. According to information received from the Immigration Board, handling times vary a great deal, depending on the child's nationality.

Public counsel, etc.

677. The *travaux préparatoires* of Sweden's aliens legislation state that counsel should always be appointed in the case of an asylum seeker who, being a minor, cannot be expected, even with the aid of an interpreter, to plead his case adequately from the viewpoint of legal safeguards. As from 1 January 1997, minors unaccompanied by a custodian are always entitled to public counsel in connection with being taken into custody. The previous rule, whereby counsel in these situations had to be appointed after three days, was criticized by the Child Committee. It can further be mentioned that since 1 January 1997, the person appointed to be public counsel for a minor unaccompanied by a custodian in Sweden is also the child's proxy in the matter to which the appointment refers. As stated previously, however, a guardian *ad litem* is always appointed for these children.

Social support, etc.

678. At the reception centres, asylum-seeking children receive the social support they need from the staff. In addition to preventive measures, there are also general measures, individual and family-oriented measures and special measures in support of families with children. Child and family activities are aimed, in cooperation with parents, at giving the children support and stimulus for their personal development and the opportunity of acquainting themselves with the new society and, through various activities and individual contacts with parents, strengthening family cohesion and supporting the parents in their role. Active parental participation is fundamental to this work.

679. As regards education, the Compulsory School Ordinance lays down that children and young persons enrolled at a reception centre are to be given

instruction. The State reimburses the municipality for the cost of teaching. As regards upper secondary school, the Immigration Board is required to offer substitute activities to young persons over 16. In almost 90 per cent of cases, however, this means the youngsters being offered places in upper secondary school in the municipality where they are currently living. The Immigration Board then reimburses the municipality for the expenditure involved.

680. Active integration measures are not taken until a residence permit has been granted. Accordingly, child activities focus on "open pre-school" and not on induction in Swedish child care.

Medical and dental care

681. All asylum seekers under 18 are entitled to medical and dental care, regardless of whether or not the need is urgent. Thus the idea is for asylum-seeking children to be entitled to the same care as Swedish children. This principle concerning asylum-seeking children is also deemed to apply to children applying for residence permits on other grounds.

Tracing of parents

682. Extensive cooperation exists with various NGOs for tracing parents. The Immigration Board, for example, cooperates with UNHCR and the Red Cross.

Personnel training

683. As regards personnel training, it can be mentioned that case officers are continuously trained so as to attain the competence required for the handling of cases involving children. One of the Immigration Board's two regions recently conducted a project entitled "Children in Focus", the purpose of which was to disseminate knowledge of current aliens legislation and the demands it makes concerning investigation and reception of children and young families, and also to establish a common basis of work in the best interests of the child. The seminars which took place included discussions of difficulties which can be involved when deciding what is best for the child in different situations. About 100 persons, both asylum officers and personnel responsible for the reception of children, took part in the training, which is planned to continue in the autumn of 1997.

684. Mention can also be made of five handling routines recently devised by the Immigration Board for cases involving minors unaccompanied by a custodian. At the same time the Board has specified the competence requirements to be met by persons responsible for the handling of cases of this kind. These competence requirements also apply to public counsel appointed in such cases.

Statistical data

685. A total of 1,694 children requested asylum in 1996. Applications broke down as follows among the five commonest countries of origin.

Iraq	387 (173 girls, 214 boys)
Yugoslavia	301 (139 girls, 162 boys)
Somalia	161 (87 girls, 74 boys)
Iran (Islamic Republic of)	96 (47 girls, 49 boys)
Bosnia and Herzegovina	92 (47 girls, 45 boys)

686. At 1 January 1997 there were 250 registered minors unaccompanied by a custodian. Of these 140 professed themselves to be Somali citizens.

687. During 1996 a total of 114 children requested asylum. Applications broke down as follows among the three commonest countries of origin.

Somalia	60 (28 girls, 32 boys)
Iraq	16 (7 girls, 9 boys)
Afghanistan	10 (2 girls, 8 boys)

(b) Children in armed conflict (art. 38), including physical and mental rehabilitation and social reintegration (art. 39)

688. The Swedish Government is firm in its view that all children under 18 shall be protected from service with the armed forces during war.

689. As regards the undertaking in article 38, paragraph 1, to respect national commitments under international humanitarian law with regard to children in armed conflicts, Sweden has ratified several conventions concerning humanitarian law in armed conflicts, among them the Geneva Conventions and the Additional Protocols thereto.

690. As regards the age limits in paragraphs 2 and 3 for participation in hostilities and recruitment, the Total Defence (Liability for Service) Act (1994: 1809) lays down that a Swedish man may take part in hostilities and in recruitment for the armed forces from a calendar year in which he attains the age of 19 up to and including the year in which he attains the age of 47. Furthermore, under the Home Guard Ordinance (1997: 146), a person enrolled as a home guardsman shall be at least 18 years old.

691. Reference can also be made to the Voluntary Defence Activities Ordinance (1994: 524), which says that an agreement of service may be entered into with a person who has attained the age of 16 or, if service refers to the National Defence, 18. A person who is to serve in the National Defence shall be a Swedish citizen. The agreement shall state the nature of the service, the extent of the obligation of service and the duration of the period of service.

692. Many of the asylum-seeking children coming to Sweden have experienced threats to the family. Some of them have also been exposed to war and isolation and have also had their homes destroyed. Few children have had the opportunity of preparing their flight. It is obvious that this can lead to

future difficulties, unless the child is adequately received or, where appropriate, is helped to process difficult experiences. It is therefore Sweden's aim for all asylum seekers/refugees to be given the opportunity of individual health interviews as soon as possible after their arrival in Sweden. Especially careful assessment is called for, not least in connection with injuries received as a result of torture.

693. By way of introduction, it will be recalled that asylum-seeking children and refugee children are entitled to the same care as Swedish children. Deficiencies can, however, be shown with regard to knowledge as to how this particular group is to be looked after and cared for.

694. The Swedish Riksdag has voted special funds (SKr 50 million) for improving the rehabilitation of refugees who have been tortured or otherwise injured. This funding is to be applied, for example, to methods development, training and research in the field. As part of this work, a special agency has been set up, namely the Secretariat for Torture and Trauma Victims. This Secretariat is to promote improved rehabilitation in Sweden for persons who have been subjected to torture, imprisoned in concentration camps or afflicted by some other massive, extreme form of violence.

695. Sweden also has a large number of activities for the special purpose of supporting and helping refugees who have been subjected to torture and other trauma. Activities of this kind are conducted primarily by the county councils, but also by various organizations or jointly by different agents.

696. The Swedish Red Cross has pointed out that it conducts successful physical and mental rehabilitation of tortured refugees. In this connection is has referred to the desirability of special rehabilitation measures also being made available to children. It has also been emphasized that vigorous efforts are needed to give children genuine support while they are waiting to hear whether they can remain in Sweden. The Social Services Act and the General Recommendations by which it is accompanied lay down that the rights of these children are to be provided for, but implementation has been found deficient in certain cases. Methods development in this field is constantly in progress within the framework of the social services.

697. In Swedish child and youth psychiatry, a certain development of competence has taken place where these problems are concerned. This development has been partly initiated and also financially supported by the Immigration Board and the National Board of Health and Welfare. In a number of places in Sweden, a certain amount of experimental activity for refugee children with traumatic backgrounds has been conducted with development funding from the Immigration Board. Other, non-governmental inputs are also necessary. Swedish Save the Children, supported by State grants, has also established crisis reception centres for refugee children with traumatic backgrounds providing psychosocial support and psychotherapeutic treatment.

698. Within the United Nations, partly on Sweden's initiative, a working group has been established to draft an optional protocol to the Convention on the Rights of the Child concerning children in armed conflicts. One Swedish objective within the working group is for children to be protected from participation in war and for States to pledge themselves not to recruit

persons under the age of 18 for their armed forces. The working group, which is chaired by Sweden, has not yet concluded its work but hopes to have done so in time for the 1998 session of the Commission.

2. Children in conflict with the law

(a) The legal system and young persons (art. 40)

699. Judicial procedure in Sweden is governed by the Code of Judicial Procedure. Rules for young offenders are also contained in the Young Offenders (Special Provisions) Act.

700. As regards paragraph 2 (a), reference can be made to the Penal Code (Implementation) Act, under which no person may be convicted of an offence for which, when it was committed, no statutory penalty existed. That principle is enshrined in the Constitution.

701. The rule in paragraph 2 (b) (i) that a person suspected of or charged with a crime shall always be presumed innocent until proven guilty according to law corresponds to a basic principle of Swedish law.

702. As regards paragraph 2 (b) (ii), the Code of Judicial Procedure lays down that when the preliminary investigation has reached a point where somebody is suspected with reasonable cause of having committed the crime, the suspect, when questioned, shall be informed of the suspicion. In addition, under the Young Offenders (Special Provisions) Act, if a person under the age of 18 is suspected on reasonable cause of a crime, the custodian or another person responsible for the care and upbringing of the young person shall be informed immediately if this is not detrimental to the investigation and there are no other special reasons to the contrary. Public defending counsel shall be appointed for an accused under 18, unless it is obvious that he has no need of defending counsel.

703. As regards other forms of support for a person in criminal proceedings than the kind which can be provided by public defending counsel or by a parent, this in the first instance is the duty of the municipal social welfare committee under the Social Services Act. Among other things, the social welfare committee must ensure that young persons in danger of developing unfavourably receive the protection and support they need. The Preliminary Investigations Ordinance contains rules relating to this obligation. Thus, the social welfare committee shall be informed of the time and place of the interrogation of a child under the age of 15 during the preliminary investigation if the child is suspected of having committed a crime. The same applies concerning the interrogation in other cases of children under the age of 20, if there is reason to suppose that what has emerged should give cause for intervention by the social welfare committee.

704. Preliminary investigations are subject to a general requirement of dispatch. Certain time limits for preliminary investigation and decision to prosecute were introduced, with effect from 1 March 1995, through amendments to the Young Offenders (Special Provisions) Act. A preliminary investigation against a person under the age of 18 and concerning a crime punishable by imprisonment for more than six months shall be conducted with special

dispatch. The preliminary investigation shall be concluded and a decision in the matter of prosecution made not more than four weeks from the day on which notice was given of criminal suspicion. This limit can, however, be extended in exceptional cases.

705. It follows from the rules concerning young offenders that proceedings against a person under 21 shall always be conducted with dispatch. If a person under the age of 18 is indicted by the public prosecutor for a crime punishable by imprisonment for more than six months, then in principle the same time limits are to apply as in cases where the accused is remanded in custody. A main hearing shall take place within 14 days of proceedings being filed, unless a longer deferment is necessary on account of specified measures or some other circumstance. If the accused has been remanded in custody after the instigation of proceedings, the time shall be computed from the remand date.

706. As regards paragraph 2 (b) (iv), the Code of Judicial Procedure lays down that no persons suspected of or prosecuted for a crime may testify against himself. Furthermore, the Code of Judicial Procedure allows a witness to refuse to testify concerning a circumstance, if the testimony would reveal that the witness himself had committed a criminal act. The forcible exaction of confessions is entirely excluded by Swedish law.

707. The right to question witnesses and to call witnesses oneself under the Code of Judicial Procedure also agrees with the requirements of this article.

708. The stipulation in paragraph 2 (b) (v) of the right to have a decision whereby a child can be deemed to have committed a crime reviewed is, for example, provided for in that all decisions in criminal proceedings can be contested in a court of appeal.

709. The child's right to an interpreter under paragraph 2 (b) (vi) is satisfied through provisions of the Code of Judicial Procedure.

710. It is one of the underlying principles of current Swedish rules that the child, as stated in paragraph 2 (b) (vii), shall be assured of respect for his private life at all stages of the proceedings. True, practically every procedural intervention can be said to encroach on the private life of the individual. Measures more directly affecting personal privacy occur when, in criminal proceedings, a court obtains from the probation authority a special report on the suspect's personal circumstances or on measures which will presumably help him to refrain from further criminal behaviour. In addition, when there is cause for so doing, a court may appoint a physician to issue a medical certificate concerning a suspect and may order a forensic psychiatric examination in order to judge whether it is possible for the suspect to be referred to forensic psychiatric care or whether the suspect committed the offence under the influence of a serious mental disturbance. Measures of this kind, which in themselves admittedly encroach on personal privacy, are, however, undertaken for the purpose of safeguarding the individual's justifiable interest in being subjected to the measures or consequences which are most compatible with treatment, reintegration or personal development. It

can be mentioned in this connection that the disclosure of particulars of a personal nature in judicial proceedings can be restricted in cases involving persons under 21, through the faculty of proceedings in camera.

711. In Sweden's case, the stipulation in paragraph 3 (a) of a minimum age of criminal liability is satisfied through the provision of the Penal Code to the effect that no sentence may be imposed for a crime which a person committed before he or she was 15 years old.

712. It is a fundamental principle of the Swedish sentencing system that young offenders shall in the first instance be treated within the social services. The system of waiver of prosecution and other measures under the Young Offenders (Special Provisions) Act are to be viewed in this context. If a person committed a crime before he was 18 years old, the prosecutor may decide to waive charges under special provisions. Waiver of prosecution may, for example, be decided on if the minor is a subject of care or some other measures under the Social Services Act and there is reason to suppose that what is most suitable for the young person is being done in this way.

713. As has already been made clear, under the Social Services Act the municipal social welfare committees incur a special responsibility for children and young persons, and special rules exist for the protection of minors. For young persons needing to be cared for or accommodated away from home, there are social service homes for care or residence. In addition, there are family homes under the Social Services Act. For the care of young persons needing to be under specially close supervision, there shall be homes adapted for supervision of this kind. These homes come under State mandatorship.

(b) Children deprived of liberty, including all forms of detention, imprisonment or compulsory care (art. 37 (b), (c) and (d))

714. As regards article 37, paragraph (b), Swedish legislation is distinguished by a generally restrictive attitude towards the use of custodial penalties against young persons. As stated earlier, the minimum age for criminal liability is 15. Under the Penal Code, a sentence of imprisonment may be passed for a crime committed before the age of 18 only if there are exceptional reasons for so doing. Thus, it is only in special, exceptional situations that a person under 18 is sent to prison. Where young persons are concerned, the Penal Code also contains a special rule of sentence reduction whereby a more lenient penalty than is prescribed for this crime may be imposed if it was committed before the offender was 21.

715. The restrictive attitude in the legislation towards imprisonment is reflected by the statistics. The number of persons under 18 who had begun to serve prison sentences between 1991 and 1996 fluctuated between 26 and 48 annually. The average length of time served during the same years fluctuated between 1.8 and 2.8 months. On a randomly chosen day in April 1997, a total of 11 persons under 18 were serving prison sentences. As a means of further limiting the use of prison sentences for young persons, the Cabinet Office is currently considering the introduction of a new penalty, namely committal to care in a special approved home. Part of the purpose of this new penalty is for deprivation of liberty to be compatible with the special allowances which

have to be made when depriving children and young persons of their liberty. The risk of harmful effects is to be minimized, at the same time as opportunities for providing qualified care and treatment are to be utilized.

716. Specially restrictive rules also apply to young persons where custodial measures other than imprisonment are concerned. A person under 18 may not be remanded in custody unless there are exceptional reasons to the contrary. A child under 15 may not be detained or remanded in custody.

717. Under the Care of Young Persons (Special Provisions) Act, young persons may be placed in care without their consent. For the care of young persons who, because they are exposing their health or development to a palpable risk of injury through abuse of addictive substances, criminal activity or some other destructive behaviour, need to be under especially close supervision, there shall be homes adapted for special supervision of this kind. These homes now come under the State. If the municipality decides that the young person is to be admitted to a home for special supervision, the National Board of Institutional Care shall provide a place in a home of this kind.

718. The special approved homes which have just been mentioned are empowered to restrict the young person's liberty of movement by placing him, for not more than two consecutive months, in a lockable unit. Locking up is one method of detaining young persons in institutions who might otherwise abscond.

719. The Compulsory Psychiatric Care Act supplements the provisions of the Health and Medical Services Act on Psychiatric Care. Under this Act, care can be combined with deprivation of liberty and other coercion. The purpose of coercive care is for the person in absolute need of such psychiatric care to become capable of voluntary participation in the requisite care and of receiving the support which he or she needs. Coercive care may only be provided if the patient is suffering from a serious disturbance and if, on account of his mental state and personal circumstances generally, the patient is in absolute need of psychiatric care which cannot be provided except by admitting the patient to a medical institution for all-day care. Coercive care also presupposes that the patient opposes such care or manifestly lacks the capacity for expressing a sound standpoint in the matter. In assessing the need for care, it should also be considered whether the patient, as a consequence of his mental disturbance, is a danger to the personal safety or the physical or mental health of another.

720. Provisions on psychiatric care combined with deprivation of liberty and other coercion in cases other than those referred to in the Compulsory Psychiatric Care Act are contained in the Forensic Psychiatric Care Act. The latter applies to persons who, by court order, are to be given forensic psychiatric care, are detained, remanded in custody or admitted to a unit for forensic psychiatric examination or have been admitted to or are to be transferred to prison.

721. As regards paragraph (c), it is, as has already been made clear, only in exceptional cases that persons under 18 are sentenced to imprisonment. The Ministry of Justice is currently studying certain questions concerning the humanization and streamlining of criminal welfare. In doing so it will among other things be considering the main report of the Prisons Commission, Serving

of Prison Sentences (SOU 1993: 76).[9] Among other things, the Commission has held deliberations and put forward proposals concerning the serving of sentences by young persons. The Commission recommends that prisoners under the age of 21 be primarily placed in prisons intended for younger inmates and, in the first instance, in open prisons. The Commission states that there should be at least one open and one closed prison with special competence for younger prisoners.

722. It is also possible in connection with deprivation of liberty under the Compulsory Psychiatric Care Act for persons under and over the age of 18 to be cared for in the same institution and unit. Care under the Care of Young Persons (Special Provisions) Act, which can involve young persons up to the age of 21, is not subject to any special rules concerning the accommodation of different age categories during the care period.

723. As regards the coercive powers of special approved homes, mention shall be made in this connection of the inspection of letters and other mail and the right of deciding on visits and phone calls to the inmates.

724. A new Act concerning restrictions on visits in connection with certain coercive care came into force on 1 January 1997. This regulates in greater detail the possibilities of imposing restrictions on visiting, e.g. in connection with compulsory psychiatric care and care under the Care of Young Persons (Special Provisions) Act. Decisions of this kind can be appealed in a court of law.

725. Under the Compulsory Psychiatric Care Act, a patient's mail may be investigated to check that it does not contain narcotic or other drugs, syringes or hypodermic needles, other objects specially suited for use in the abuse of or other dealing with narcotic drugs or other property which can harm the patient himself or another or be detrimental to care. In the case of a person receiving forensic psychiatric care by court order or confined to prison, the Government may in certain cases order special restrictions of the right to receive or send mail, receive visitors or communicate with outsiders by telephone.

726. The provisions of paragraph (c) are further accommodated by the Social Services Act through its provisions on respect for human self-determination and privacy and on the content and design of care, and also through corresponding provisions of the Care of Young Persons (Special Provisions) Act. The requirements are met where psychiatric care is concerned partly through the provisions of the Health and Medical Services Act to the effect that health and medical care shall be of good quality and cater to the patient's need of security in care and treatment, as well as being based on respect for the patient's self-determination and privacy, and also through the other provisions of the Compulsory Psychiatric Care Act.

727. As regards the provision in paragraph (d) concerning entitlement to legal and other assistance, reference can be made, as regards young persons deprived of liberty on suspicion of criminal offences, to the rule of the Code of Judicial Procedure entitling a person detained or remanded in custody to obtain public defending counsel on request. As regards deprivation of liberty

under the Care of Young Persons (Special Provisions) Act, the Compulsory Psychiatric Care Act and aliens legislation, a provision concerning entitlement to legal assistance is contained in the Legal Aid Act.

728. The right to have the legality of deprivation of liberty reviewed is accommodated by the provisions of the Code of Judicial Procedure, the Care of Young Persons (Special Provisions) Act and the Compulsory Psychiatric Care Act. The requirement of promptness is accommodated through provisions of the Code of Judicial Procedure. The requirement of prompt handling is also strongly underlined in the Young Offenders (Special Provisions) Act.

729. As regards deprivation of liberty under the Care of Young Persons (Special Provisions) Act and the Compulsory Psychiatric Care Act, provisions exist concerning entitlement to public counsel. Furthermore, whatever the law applicable when the young person was deprived of liberty, it is always the duty of the social welfare committee, under the Social Services Act, to ensure that young persons who risk developing unfavourably receive the protection and support that are needed.

730. The right to have the legality of deprivation of liberty reviewed is accommodated by the provisions of the Code of Judicial Procedure, the Care of Young Persons (Special Provisions) Act and the Compulsory Psychiatric Care Act. These enactments also include provisions concerning prompt handling.

731. As of 1 January 1996, a provision was added to the Care of Young Persons (Special Provisions) Act to the effect that a person appointed as public counsel for a child under 15 without at the same time being counsel for the custodian is, without special appointment, the young person's proxy in the case or matter to which the appointment refers. This gives the child an independent position vis-à-vis the custodian in cases where child and custodian have conflicting interests. Through its proxy, the child can appeal the court's decisions and take other procedural steps.

Custody under the Aliens Act (art. 27 (b))

732. It is a general rule of the Aliens Act that the Act shall be applied so as not to restrict the liberty of aliens more than is necessary in each individual case.

733. New provisions concerning the possibility of taking children into custody came into force in January 1993. As the Aliens Act is now worded, a child can be taken into custody if it is probable that the child will be refused entry with immediate effect or if the question arises of enforcing such an order and there is an obvious risk of the child otherwise absconding and thereby jeopardizing an impending enforcement which should not be delayed. Custody of children can also take place in other cases where a refusal of entry or expulsion order is to be enforced. Furthermore, a minor may not be kept in custody for more than 72 hours or, in exceptional cases, for a further 72 hours.

734. As a result of the changes introduced in 1993, it is no longer possible to take a child into custody with reference to the risk of criminal activity in Sweden. Furthermore, the restriction has been imposed that children cannot be taken into custody in connection with the impending enforcement of expulsion on account of a criminal offence. As a further restriction of the possibility of taking children into custody in connection with refusal of entry with an order for immediate enforcement, the Act provides that a child may not be taken into custody if placing the child under surveillance is judged to be sufficient. That provision expresses a duty on the part of the authorities to consider first whether the purpose of any custodial measure can be achieved by placing the child under surveillance. As regards refusal of entry and expulsion in situations other than those connected with immediate enforcement, custody can only be resorted to if, in a previous attempt to enforce a removal order, placing the child under surveillance proved insufficient. An important main rule was also introduced whereby a child and its parents or custodians may not, in principle, be separated by one of them being taken into custody. Thus, if it is not possible for the child to be taken into custody, the custodian may not be taken into custody either. If both the child's custodians are in Sweden, however, then, according to the travaux préparatoires, there should be no objection to one of the custodians being taken into custody. Through this provision, the earlier rule whereby a child and a single custodian could be separated if there were exceptional reasons for so doing, has been removed. Children with no custodian in Sweden can only be taken into custody in exceptional cases.

735. As of 1 January 1997, the prerequisite for custody previously applying to aliens under 16 apply to all aliens under the age of 18. This amendment has been made in order to achieve harmonization with the provisions of the Convention on the Rights of the Child. On the other hand, no prohibition has been introduced against the taking of children into custody. The proposals by the Child Committee also imply that it should still be possible for children to be taken into custody. The Committee, however, underlined the importance of averting a situation where the taking of children into custody becomes necessary. Furthermore, the Committee recommended, among other things, that the rules should be amended so that the possibilities of custody would be further restricted and that the possibility of separating a family by taking one parent into custody must be employed with great caution.

736. A minor (an alien under 18) taken into custody may not be admitted to a prison, remand centre or police cell. The Government's intention is for custodial premises for children to be similar in design to the living quarters in a reception centre. As things now stand, only one of the special custodial facilities has resources for admitting children without custodians.

737. During the first quarter in which the new legislation was in force (1997), 13 children were taken into custody as per the following breakdown:

Period	No. children	Length of time
January	1	0-24 hours
	2	1-3 days
February	1	0-24 hours
	1	1-3 days
March	1	0-24 hours
	5	1-3 days
	2	8-14 days
Total	13	

738. These figures are not broken down by sex or age, nor do they show how many of the children were included in families.

(c) Penalties for children and young persons, especially the prohibition of capital punishment and life imprisonment (art. 37 (a))

739. Under the Constitution Act, every citizen is protected against torture for the purpose of extorting or preventing statements. Acts amounting to torture and suchlike come, in all essential respects, within the concept of assault in the Penal Code. The Constitution Act prohibits capital punishment in Sweden. It follows from the Penal Code that no person may be sentenced to life imprisonment for a crime which he committed before the age of 21.

(d) Physical and mental rehabilitation and social reintegration (art. 39)

740. The responsibilities and duties of society regarding the protection of children subjected to any of the abuses mentioned in article 39 are governed by the Health and Medical Services Act, the Care of Young Persons (Special Provisions) Act, the Social Services Act and the Compulsory Psychiatric Care Act. These enactments and their implementation have been dealt with under the sections Family environment and alternative care and Basic health and welfare.

3. Children in situations of exploitation, including physical and mental rehabilitation and social reintegration (art. 39)

(a) Economic exploitation, including child labour (art. 32)

741. Most young persons in Sweden attend school. Nearly 95 per cent of all compulsory school pupils go on to some form of upper secondary education.

Accordingly, when minors work it is usually a question of work experience or holiday employment. Even where this kind or work is concerned, of course, it is important that there should be rules preventing children and young persons from working in a way which can have negative consequences for them.

742. Sweden pursues a policy of the kind described in paragraph 1 through legislation and other measures. Rules for the protection of minors at work are above all contained in the Work Environment Act. The Seafarers Act, the Maritime Safety Act, the Maritime Working Hours Act, the Domestic Employment (Working Hours Etc.) Act and the Radiation Protection Act also contain safeguards for minors. The statutory rules are supplemented by ordinances issued by the Government and provisions made by the relevant authorities.

743. On 23 April 1990, Sweden ratified the ILO Minimum Age Convention (No. 138), which in several respects contains more far-reaching demands on this subject than the Convention on the Rights of the Child. Ratification became possible after certain statutory amendments. Since then the National Board of Occupational Safety and Health has issued new provisions on minors at work.

744. Concerning paragraph 2 (a), reference is made to the main rule of the Work Environment Act, which lays down that a minor may not be used for work before the calendar year in which he is 16 years of age or before he (or she) has completed his compulsory schooling. Before this, however, a minor may be employed on light work which cannot have a detrimental effect on his health, development or schooling. The Work Environment Act also contains a provision making 13 the minimum age for light work. The provisions of the Act also apply to minors engaged for work without being employees. Special provisions concerning minors were issued by the National Board of Occupational Safety and Health in 1996.

745. Special rules concerning work on board ship are contained in the Seafarers Act and the Maritime Safety Act.

746. The Work Environment Act, the Seafarers Act and the Maritime Safety Act contain special minimum age rules for access to dangerous work. Under the Work Environment Act, for example, the employer must make sure that a person under 18 is not employed in a way which entails a risk of accidents, over-exertion or other harmful effects on the minors health or development. This provision also applies to pupils, inmates of institutions, etc.

747. There are no rules concerning the minimum age for domestic work. In connection with ratification of the ILO Minimum Age Convention (No. 138) it is possible to exclude certain categories of employment or work where special or considerable difficulties would be encountered in giving effect to the provisions of the Convention. It has been judged appropriate for Sweden to avail itself of this faculty of reservation concerning work in the employer's household. Domestic work done by employees occurs very little in Sweden nowadays. The Domestic Employment (Working Hours Etc.) Act contains special rules for minors. Their working hours may not be as long as those of adult employees. Furthermore, the employer shall ensure that minors are not engaged on dangerous work.

748. As regards the Convention's stipulation of appropriate regulation of the hours and conditions of employment, reference is made to the provisions issued by the National Board of Occupational Safety and Health, by authority of the Work Environment Act and the Work Environment Ordinance, concerning the length and disposition of working hours for minors. Detailed provisions on working hours for minors in various age groups are contained in the Board's provisions on Minors at Work. Provisions concerning working hours at sea are contained in the Maritime Working Hours Act. This contains differentiated rules which take into account special conditions entailed by service in various capacities on board ship.

749. Swedish law does not contain any special provisions concerning other aspects of working conditions, e.g. minimum wages and suchlike. Rates of pay are governed by collective agreements which also set standards for contracts of service to which they do not directly refer. Minimum age rules and provisions concerning the length and disposition of working hours have been judged sufficient.

750. Reference can also be made to the existence of two national authorities, the National Board of Occupational Safety and Health and the Labour Inspectorate, which supervise compliance with the Work Environment Act. A person breaching the minimum age rules of the Work Environment Act can be fined. So too can a person in breach of provisions issued by the National Board of Occupational Safety and Health.

751. It is also possible under the Work Environment Act for the Labour Inspectorate to intervene with an injunction or prohibition against an employer engaging a minor for work in a manner contrary to the provisions of the Act. A person breaching an injunction or prohibition of this kind can be fined or imprisoned for up to one year.

752. If an employee is engaged for work on board ship contrary to the Seafarers Act, both the master of the ship and the custodian of the minor can be fined. The Seafarers Act only applies where there is a contract of service. Where other persons engaged for work on board ship are concerned, the minimum age rules of the Maritime Safety Act apply. Under the liability provisions, a ship's captain breaking the rules shall be fined.

753. The Maritime Safety Act empowers the National Maritime Administration to intervene with an injunction in cases where a minor is engaged for work on board ship at variance with that Act. A person breaching such an injunction can be fined or imprisoned for up to one year.

754. For offences under the Maritime Working Hours Act, the master of the vessel, among others, can be fined.

(b) Drug abuse (art. 33)

755. The ultimate aim of Swedish drug policy is to create a drug-free society. This restrictive basic view permeates Swedish society and there is virtually complete political consensus regarding the direction of drug policy.

756. Swedish drug policy is distinguished by its heavy concentration on preventive measures. Demand-subduing measures and measures to limit the supply of narcotic drugs go hand in hand. Police actions against street trading are important, both because they limit the supply and because they have a deterrent effect on potential buyers of narcotic drugs. Heavy resources are devoted to information, education and other preventive work, not least in relation to young persons. National and municipal grants are paid to associations to enable them to supply information concerning the hazards of drugs, but also to enable them to offer young persons attractive drug-free environments and activities. In many places in Sweden, preventive work is based on cooperation with schools, social services, recreation authorities and the police. The social services conduct outreach activities among young persons in the risk zone. Central preventive actions have been successful. The Government has a special coordinating agency for drug questions, tasked with promoting better coordination of public initiatives in the drug sector.

757. Young persons' attitudes towards drugs have changed distinctly during the past 20 years. This is reflected in the annual school surveys. At the beginning of the 1970s, 13 per cent of 16-year olds stated that they had tried narcotic drugs, mainly cannabis, at some time or other. By the end of the 1980s this figure had fallen to about 3 per cent. Today, however, we can see a new tendency for young persons to be more amenable to trying drugs, and 7-8 per cent of 16-year olds had done so in 1996.

758. The National Institute for Public Health, mentioned previously, has been set up for the further strengthening of preventive work. The institute is to coordinate public health promotion work in Sweden and to initiate and support local health promotion and disease prevention initiatives. One of its fields of activity concerns prevention of alcohol and drug abuse. In addition, a national steering group has been set up under the chairmanship of the Minister of Health and Social Affairs to direct alcohol and drug policy at the central level.

759. The purpose of Swedish drug policy is to demonstrate, at all levels, a rejection of drugs as a phenomenon. This is apparent, for example, from legislation, which targets not only the sale of narcotic drugs but the actual use of them as well. Other dealing with narcotic drugs is also punishable, e.g. the arrangement of contacts between buyer and seller. Within the Ministry of Health and Social Affairs, a working group has been set up to review Swedish rules on the classification of narcotic drugs. Among other things the group is to consider the need for changes to the rules, in view of the growing use, especially in certain juvenile circles, of synthetic drugs of different kinds.

760. Within the police, various measures have been taken to improve opportunities for intervening against drug crime. Mention can be made, for example, of the reinforcement of police criminal intelligence activities and of special measures which have been taken to improve the competence of the police in combating the use and trafficking of drugs in certain exposed juvenile environments.

761. Preparations are currently in progress for the General Assembly's special session on drugs in June 1998.

762. Sweden has acceded to three conventions on drugs, namely the 1961 Single Convention on Narcotic Drugs and its 1972 Protocol, the 1971 Convention on Psychotropic Substances, and the 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotopic Substances. The substances which are subject to international control are set out in lists which have been appended to the conventions and are revised continuously. In a special ordinance, the Government indicates additional substances to be regarded as narcotic drugs under Sweden's Drug Offences (Penalties) Act. The Medical Products Agency is to draw up and publish lists of narcotic drugs.

763. Sweden plays a very active part in international cooperation against narcotic drugs and is one of the countries making the largest voluntary contributions towards the work of the United Nations to combat narcotic drugs. In addition, Sweden is working for greater United Nations involvement in drug issues. As a result of a Swedish initiative, a global action programme against drugs was adopted at a special session of the United Nations General Assembly in February 1990. Among other things that programme provides for the United Nations to expand its initiatives to give more extensive support to countries in their efforts to develop effective measures against drug production, drug-trafficking and drug abuse. A European cooperation programme is in progress within the so-called Pompidou Group, which is a working group for drug issues affiliated to the Council of Europe.

764. Sweden has a restrictive policy on alcohol. In a host of different areas, society takes steps aimed at reducing alcohol consumption and alcohol-related injuries with it. Means to this end include an active price policy, preventive measures and restrictions on the handling of alcohol. For example, as mentioned by way of introduction, the minimum age limit for the purchase of alcohol in the State monopoly stores is 20.

765. Sweden has endorsed the WHO health strategy, one of the aims of which is to reduce alcohol consumption by at least 25 per cent during the period between 1980 and 2000. A certain increase in the use of alcohol has been observed, however. Within the ambit of the newly established National Institute of Public Health, the question of alcohol abuse by young persons will be receiving high priority.

766. The Social Services Act contains special provisions on measures to combat substance abuse. It is the duty of municipal social welfare committee to work for the prevention and counteraction of abuse of addictive substances. In this connection, special attention is to be paid to measures on behalf of children and young persons. Furthermore, through information to national authorities, groups and individual persons and through outreach activities, municipal social welfare committees are to disseminate knowledge of the harmful effects of abuse and of the help which is available. The social welfare committees are also to actively ensure that the individual abuser receives the help and care which he or she needs in order to break free of the habit. The possibilities of intervention and remedial action at the disposal of municipal social welfare committees are set out in the accounts given under the sections on Family environment and alternative care and Basic health and welfare.

(c) Sexual exploitation and sexual abuse (art. 34)

767. The provisions of the Penal Code concerning sexual offences prescribe, regardless of the victim's age, penalties for any person who through violence, coercion or other improper procedures prevails on a person to participate in sexual intercourse or other sexual relations. This applies to the provisions on rape, sexual coercion and sexual exploitation. The legislation has been amended several times recently in order to measure up to the requirements of the Convention. Among other things, the low age of the victim has been introduced as a circumstance to be taken into account especially when judging whether a crime of rape or sexual exploitation is aggravated. The purpose of the amendment is to strengthen the protection of children against sexual exploitation and further underline the gravity of sexual assaults on children. In addition, certain penalties have been increased and the limitation period for sexual offences against children has been prolonged in that it does not begin to run until the child has reached the age of 15 (whereas normally it begins to run when the criminal offence is committed).

768. As regards the requirements of the Convention concerning protection from sexual exploitation, reference is also made to the provisions of the Social Services Act concerning the duty of society to ensure that children and young persons grow up in secure and good conditions. It is also the duty of society, under the Care of Young Persons (Special Provisions) Act, to intervene with care in certain cases where a child is sexually exploited by parents or exploited for a pornographic purpose. Intervention of this kind can also take place if the young person engages in prostitution. In addition, children and young persons performing in sex clubs can be considered for intervention under the Act. Concerning the possibility of intervention by the municipal social welfare committee and the duty of notifying the same committee, see Separation from parents (art. 9) and Violence and neglect (art. 19) in section E above.

769. Regardless of whether or not coercion has occurred, the Penal Code unconditionally prohibits sexual intercourse with children under the age of 15. A higher age limit, 18, applies in custodial situations and suchlike. The Penal Code makes it a punishable offence, sexual molestation, to interfere sexually with children under the age of 15 or to prevail on a child to perform or participate in any action of a sexual nature.

770. Prostitution as such is not criminalized. On the other hand, a person promoting or otherwise improperly making economic use of the activity of another as a prostitute can be punished for procuring under the Penal Code. The use of a child for prostitution is generally regarded as aggravated procuring.

771. A person obtaining sexual intercourse in return for payment is not normally guilty of a crime. If, however, the other party is under the age of 18, special provisions apply. A person procuring or attempting to procure sexual intercourse with a person under 18 by making or promising payment incurs a penalty under the Penal Code.

772. As regards the pledge under paragraph (c) to prevent the exploitative use of children in pornographic performances and materials, it can be mentioned that public pornographic performances are prohibited under the Public Order Act.

773. The above-mentioned provision of the Penal Code concerning sexual molestation applies to children under 18. That provision also includes procedures whereby the child is induced to pose sexually or is used as a model in pornographic images.

774. Pornography in which children are depicted comes under the Penal Code, which provides for a person depicting children in pronographic images with a view to the images being distributed, or who distributes such images, to be convicted of a child pornography offence. The provision does not define any age limit for the definition of a child. According to the travaux préparatoires, the term "child" denotes a person whose process of sexual maturation has not yet been concluded. A corresponding provision is contained in the Freedom of the Press Ordinance and in the Freedom of Expression Constitutional Law.

775. With regard to paragraph (c), it has been proposed that the provisions of the Penal Code concerning child pornography offences shall be amended so as to include an express 18-year limit. The reason why an age limit is lacking in the Swedish legislation is that it would mean a further encroachment on the child's privacy, because the identity of the child depicted would have to be established. There would also be great evidential difficulties involved. In the Riksdag debate on approval of the Convention on the Rights of the Child, the view was taken that the absence of a fixed age limit in this respect was no impediment to Sweden acceding to the Convention.

776. In June 1994 the Riksdag passed a dormant constitutional amendment making the possession of child pornography a punishable offence. Subsequently, in November 1994, the Government resolved to appoint a committee to investigate the best way of combating the crime of child pornography. The question of criminalizing possession and other dealings with child pornography was to be specially considered. The question of an age limit in this connection was also to be addressed. The committee, which adopted the name of the Child Pornography Commission, presented its final report in March 1997. The report proposes constitutional amendments and provisions criminalizing all possession of and all other dealings with child pornography. In addition, a wider rule is proposed concerning the definition of "child" in a pornographic image. It is proposed that the present rule (that the process of sexual maturation must not have been concluded) be combined with an 18-year rule. A government bill to criminalize possession of child pornography etc. will be introduced in December 1997.

777. Since 1 January 1995, amendments to the Freedom of the Press Ordinance and the Freedom of Expression Constitutional Law have enlarged the possibilities of confiscating child pornography material of a realistic nature.

778. The Swedish Government hosted the World Congress against Commercial Sexual Exploitation of Children which took place in Stockholm at the end of

August 1996. The Government was one of four arrangers together with UNICEF, End Child Prostitution in Asian Tourism (ECPAT) and the international NGO group for the Convention on the Rights of the Child. Representatives of 122 national Governments and of international and voluntary organizations took part on equal terms. The Congress adopted a document calling on all States to take a large number of measures, at the local, national, regional and international levels, against the commercial sexual exploitation of children.

779. As part of the Swedish follow-up to the World Congress, the Government has translated the document into Swedish and made it available on the Cabinet Office's home pages on the Internet. The report of the World Congress is available free of charge from the Ministry of Health and Social Affairs. A interdepartmental working group has drafted a national plan of action against commercial or other sexual exploitation of children. The Government's action plan will be presented in the autumn of 1997.

780. As part of the regional and international follow-up to the World Congress, Sweden has initiated cooperation in this field within the framework of Baltic cooperation. At the local level, action plans have been developed for cooperation between different authorities where violence or sexual abuse against children is suspected.

781. The engagement of minors for pornographic performances can also be deemed contrary to the Work Environment Act. The same probably applies if minors are used as photo models for pornographic material. Under the Work Environment Act, a minor may not be engaged for or carry out work which entails a risk of harmful effects on his or her health or development.

(d) Other forms of exploitation (art. 36)

782. From what has already been stated concerning Swedish rules and initiatives for preventing exploitation of children, special reference can be made in this connection to the general provisions of the Social Services Act concerning care of children and young persons, and to the provisions of the Care of Young Persons (Special Provisions) Act, which is based on the duty of the social services to protect children and young persons, even in situations where voluntary measures are not possible.

783. Within the United Nations, under the aegis of a working group, an optional protocol to the Convention on the Rights of the Child is being drafted concerning trafficking in children, child prostitution and child pornography. Sweden is working to make the wording of the protocol as close as possible to that of the Convention. Among other things, this would facilitate continued use of the comprehensive practice accumulated by the Child Committee.

(e) Sale, trafficking or abduction (art. 35)

784. Although Swedish law does not contain any provision directly corresponding to what is said in this article, there are a number of provisions aimed against various phenomena which the article mentions. Swedish provisions in the field concerned include, for example, those of the Penal Code concerning arbitrary dealings with a child and kidnapping, unlawful

deprivation of liberty and placing in a distressful situation. The prohibition, under the Code of Parenthood and Guardianship, against payment for adoption is also to be viewed in this context.

785. In connection with article 11, an account has been given of Sweden's international commitments with regard to the unlawful removal of children. Both the conventions in this sphere to which Sweden has acceded, the Council of Europe Convention of 20 May 1980 and the Hague Convention of 25 October 1989, have the primary purpose of dealing with problems arising when a non-custodial parent unlawfully removes the child from a country and in this way separates the child from its custodian. Both conventions, however, have a wider application. The conventions have been incorporated into Swedish law through the Act concerning approval and enforcement of foreign custodial decisions, etc. and concerning transfer of children).

786. The basic principles of Sweden's social service legislation also agree with the provisions of this article.

787. See also the remarks made concerning child pornography and prostitution with reference to article 36.

4. Children belonging to a minority or an indigenous population (art. 30)

788. The requirements of article 30 concerning the rights of children belonging to minorities or an indigenous population are provided for partly through the constitutional safeguards for freedom of expression, freedom of information, freedom of assembly, freedom of association and freedom of religion which apply to both Swedish citizens and aliens in Sweden. The definition of goals in the Constitution Act lays down that opportunities for ethnic, linguistic and religious minorities to preserve and develop a cultural and social life of their own should be promoted. In addition, the Constitution Act includes a provision to the effect that no law or other statutory instrument may imply disfavour of any citizen due to his belonging to a minority in terms of race, skin colour or ethnic origin.

789. The home language reform has made it the duty of municipalities to provide home language instruction for pupils in compulsory school, special school, compulsory school for the intellectually handicapped (särskola) and upper secondary school when the custodian or custodians have a language other than Swedish as their mother tongue and use that language in their daily relations with the child. Saami, Tornedalen Finnish or Romany pupils are entitled to home language instruction in and of their own language, even if they do not use that language every day in the home. The same applies to pupils who are adoptive children and have a mother tongue other than Swedish.

790. The purpose of home language instruction is to support the pupil's general linguistic development and in this way to promote progress towards active bilingualism. Entitlement to home language instruction is based on the individual pupil's need of linguistic support.

791. In addition to language teaching, home language instruction also includes instruction concerning the culture, religion, geography and social conditions, etc. of the country of origin.

792. Both the number of pupils entitled to home language instruction and the percentage of all compulsory school pupils taking part in home language instruction continue to diminish. During the 1996/97 school year, 11.6 per cent of pupils were entitled to home language instruction and 6.3 per cent took part in it. This means that 55 per cent of the pupils entitled to home language instruction took part. In the teaching of Swedish as a second language, 6.1 per cent of compulsory school pupils took part. This was 0.5 per cent down on the previous year.

793. Just over half or 56 per cent of home language instruction pupils in municipal compulsory schools receive this instruction outside regular school hours. There is, however, a great deal of variation between municipalities. Forty municipalities have no home language instruction outside school hours, while 41 have all home language instruction outside school hours.
